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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 3rd meeting
Held at Headquarters, New York, on Monday, 2 June 2003, at 10 a.m.

Chairman: Mr. Huntley ..... (Saint Lucia)

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03-38274 (E)

The meeting was called to order at 10.30 a.m.

Adoption of the agenda

1. The agenda was adopted.

Requests for hearing (aide-memoires 9/03 and 10/03)

2. **The Chairman** drew attention to a request for a hearing on the question of Gibraltar, contained in aide-memoire 9/03. If he heard no objection, he would take it that the Committee wished to accede to that request.

3. *It was so decided.*

4. **The Chairman** drew attention to a request for a hearing on the question of Western Sahara, contained in aide-memoire 10/03. If he heard no objection, he would take it that the Committee wished to accede to that request.

5. *It was so decided.*

Dissemination of information on decolonization (A/AC.109/2003/18; A/AC.109/2003/L.4-L.6)

6. **Ms. Gastaut** (Department of Public Information (DPI)) summarized for members of the Special Committee the report of the Secretary-General for the period from June 2002 to May 2003 on the dissemination of information on decolonization (A/AC.109/2003/18). She noted that, in the context of his reform efforts, the Secretary-General had reoriented the activities of the Department of Public Information on the premise that public information and communications must be placed at the heart of the strategic management of the United Nations, and that a culture of communications must pervade the Organization in order to help promote broad popular support for the United Nations.

7. **Ms. Theofilopoulou** (Department of Political Affairs (DPA)) said that, during the period under review, the Department of Political Affairs had collected information on the Territories by continuing to seek the cooperation of the administering Powers and to monitor the media and relevant web sites. It had also routinely collected, prepared and provided information on decolonization issues to Member States, representatives from the Territories, schools, organizations and individuals.

8. The DPI brochure entitled "The United Nations and Decolonization", drafted by the DPA Decolonization Unit in 2001, had been conceived as a response to the many queries received from individuals and organizations in the Non-Self-Governing Territories regarding the role of the United Nations in decolonization, the work of the Special Committee, the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples, the options available to the Territories with regard to their future status and the assistance for which the Territories were eligible. It provided factual information and relevant contact addresses. The brochure, which was proving to be a very useful information tool, was distributed widely at meetings of the Special Committee and at seminars held alternately in the Caribbean and Pacific regions. During the most recent seminar held in the Non-Self-Governing Territory of Anguilla, brochure packages had been distributed to all the representatives of the Territories present and to those attending the meeting with Anguillan civil society. Through its Decolonization Unit, DPA had also continued to provide updated information to the DPI Public Inquiries Unit and Guided Tours Unit in response to specific questions about decolonization matters. Most recently, it had contributed to the updating of the decolonization maps on the third floor of the United Nations conference building, which were pointed out on guided tours and showed the world in 1945 and today, as well as to the updating of the chapter on decolonization in the DPI publication "Basic Facts about the United Nations".

9. DPA had continued to expand its roster of individual experts, academics and organizations concerned with decolonization and the situation of the Territories. Such a roster was helpful in inviting persons who would be able to contribute new insights, particularly experts in the region and on the region, to participate in the regional seminars. Those seminars provided a special opportunity for representatives of the Territories to obtain valuable information and to engage in networking. The lively discussions on self-determination held in Anguilla had been given ample media coverage in the region on the basis of highly professional press releases prepared by a DPI press officer. The Anguilla Seminar had also marked the very first time that the discussions had taken place within a Non-Self-Governing Territory in the presence of a senior-level representative of the administering Power. Another highlight of the Seminar had been the commitment undertaken by the authorities of the Territories to increase the dissemination of information

about self-determination options through civic education classes in schools and by other means. Moreover, the administering Power had given assurances that it would not object if the Special Committee worked with the peoples of the Caribbean Territories to facilitate public awareness campaigns concerning the self-determination options available to them. At regional seminars, the Decolonization Unit could also establish direct contact with representatives of United Nations programmes and other international organizations active in the region. For example, representatives of the United Nations Development Programme (UNDP) and the Organization of American States (OAS) had been present at the Anguilla Seminar

10. In the context of the Second International Decade for the Eradication of Colonialism and the Special Committee's continued progress in its consultations with several administering Powers to advance work programmes for decolonization, DPA, in close cooperation with DPI, would make every effort to anticipate needs and identify priorities to make the best possible use of the scarce resources available.

11. **Mr. Requeijo Gual** (Cuba) noted with great satisfaction that a DPI press release on the Caribbean Regional Seminar had been given full coverage in the Anguillan press and a parliamentary debate based on that same release had been aired on the local television station. It was disturbing, however, that both the local population in Anguilla and representatives of Non-Self-Governing Territories at the Seminar seemed to be largely unaware of the work of the Special Committee and the United Nations system in general. As a member of the Committee on Information as well as the Special Committee, his delegation greatly appreciated the vigorous public education efforts being made by DPI but hoped they would be further strengthened to address the situation he had described.

12. **Mr. Tanoh-Boutchoué** (Côte d'Ivoire) added that DPI and DPA efforts to disseminate information should target local populations in the Non-Self-Governing Territories, as they would one day be making choices about self-determination. To a great extent, those populations were still uninformed of their options, particularly the alternatives to full independence. The information campaigns should also be aimed at administering Powers, which tended to accord very low priority to decolonization. In the Second International Decade for the Eradication of Colonialism, there should be a common effort to move decolonization issues to the top of the international agenda.

13. **Mr. Mekdad** (Syrian Arab Republic) welcomed the advances made at the Caribbean Regional Seminar, which his delegation had been unable to attend for reasons beyond its control. It was particularly gratifying that the issues before the Special Committee were now of concern to the entire international community and all levels of society, from academic circles to grass-root organizations. He paid tribute to the United Kingdom, the first administering Power ever to send a very high-level representative to a regional seminar held in a Non-Self-Governing Territory, and hoped that other administering Powers would follow suit. It was extremely vital that the next Pacific regional seminar should be held in a Non-Self-Governing Territory in the Pacific. While praising the expanded activities of DPI and the excellent cooperation of both DPI and DPA with the Special Committee, he called for greater efforts to disseminate information on decolonization, which should receive the support of all entities in the United Nations system.

14. **Mr. Ortiz Gandarillas** (Bolivia) said that the Regional Seminar in Anguilla had constituted an important stage in the work of the Special Committee in that it had been the first such gathering to be held in a Non-Self-Governing Territory. He thanked the United Kingdom authorities for their cooperation as administering Power.

15. He echoed earlier speakers' concern that, with only seven years to go to the end of the Second International Decade for the Eradication of Colonialism, there remained much for DPI and DPA to do in terms of informing the peoples and elected authorities of Non-Self-Governing Territories about their various options and how to proceed towards self-determination.

16. Despite ongoing budgetary restrictions, DPI and DPA should step up efforts to communicate more directly with the people in the Territories concerned using media such as radio and the Internet with a view to preventing misinformation. Given that bringing about an understanding of the implications of the various self-determination options was a long process, seven years seemed like a relatively short time frame. He asked how DPI assessed the impact of its work and the achievement of its objectives.

17. **Ms. Mulamula** (United Republic of Tanzania) agreed with the Cuban representative concerning the importance of disseminating information and the excellent work done by DPI in Anguilla. However, despite keen interest from civil society and local officials, the details of the Caribbean Regional Seminar had been released only one or two days before the mission's arrival. She also emphasized how vital it was to educate Non-Self-Governing Territories about their options for self-determination.

18. Recalling recent discussions within the Committee on Information, she asked whether DPI had feedback mechanisms for following up on target audiences and the impact of its communication efforts. She hoped that DPI and DPA had used the Anguilla Regional Seminar to establish contact networks with a view to channelling information. Although it was impossible for the United Nations to have a permanent presence in such Territories, there was a need to ensure that the United Nations message was heard by the peoples and the elected officials.

19. She had been encouraged at progress made in Secretariat departments in terms of gender mainstreaming. However, despite efforts made at Anguilla, it was obvious that departments' respective mandates sometimes limited coordination between them.

20. **Mr. Ovia** (Papua New Guinea) said he agreed with previous statements concerning the importance of educating Non-Self-Governing Territories on their options. He thanked the representative of Fiji for the report he had provided to the Pacific Group on the Caribbean Regional Seminar in Anguilla and expressed support for the idea of holding the Pacific Regional Seminar in a Non-Self-Governing Territory.

21. He agreed with the Bolivian representative that more coordination was needed to ensure that the three options of independence, free association and integration were understood by the general population, which would be taking the decision. He also agreed on the importance of avoiding misinformation, stepping up communication efforts and establishing feedback mechanisms.

22. **Mr. Yauvoli** (Fiji) said that there were two lessons to be learned from the Regional Seminar in Anguilla. Firstly, the lack of information about the work of the Special Committee created a potential for misinformation, made it difficult to obtain the relevant information and resulted in a lack of confidence. Secondly, the constructive engagement of the administering Powers was essential. He supported the suggestion that the Pacific Regional Seminar should be held in a Non-Self-Governing Territory.

23. **The Chairman** agreed that information should be targeted at the general population and said he hoped that a specific programme would be set up as a result of discussions with DPI.

24. **Ms. Gastaut** (Department of Public Information) said that the question of assessment had been at the centre of discussions held during the twenty-fifth session of the Committee on Information. Indeed, results-based assessment had replaced the analysis of activities in all Secretariat departments. The Department was therefore developing criteria to assess the impact of its work. Reports on media coverage already assessed the Department's impact but that was mainly anecdotal and a more systematic approach was needed. Reports in 2004 should detail progress in that regard. In the meantime, all comments would be conveyed to the Under-Secretary-General.

25. **The Chairman** drew attention to the draft resolution contained in document A/AC.109/2003/L.4 and invited the Special Committee to adopt it without a vote.

26. **Mr. Acuña** (Chile) suggested the inclusion at the end of the first paragraph of the phrase "in accordance with the relevant resolutions of the United Nations on decolonization".

27. *Draft resolution A/AC.109/2003/L.4, as orally amended, was adopted without a vote.*

28. **The Chairman** announced that the Special Committee had completed its consideration of the item.

Question of information from Non-Self-Governing Territories, transmitted under Article 73 *e* of the Charter of the United Nations (A/58/69; A/AC.109/2003/L.5)

29. **The Chairman** drew attention to the report of the Secretary-General (A/58/69) containing information provided by the administering Powers under Article 73 *e* of the Charter of the United Nations. That information enabled the Special Committee to make a thorough study of the situation in the Non-Self-Governing Territories.

30. He also drew attention to the draft resolution contained in document A/AC.109/2003/L.5 and invited the Special Committee to adopt it without a vote.

31. *Draft resolution A/AC.109/2003/L.5 was adopted without a vote.*

32. **The Chairman** announced that the Special Committee had completed its consideration of the item.

Question of sending visiting missions to Territories (A/AC.109/2003/L.6)

33. **The Chairman** drew attention to the draft resolution contained in document A/AC.109/2003/L.6, and invited the Special Committee to adopt it without a vote.

34. **Mr. Acuña** (Chile) suggested the inclusion at the end of the first and second paragraphs of the phrase "in accordance with the relevant resolutions of the United Nations on decolonization".

35. *Draft resolution A/AC.109/2003/L.6, as orally amended, was adopted without a vote.*

36. **The Chairman** announced that the Special Committee had completed its consideration of the item.

Organization of work

37. **The Chairman** suggested that, in accordance with past practice, the Special Committee should authorize the Rapporteur to reformulate its draft resolutions and draft decisions in General Assembly format at the time when the reports of the Committee were prepared for submission to the Assembly at its fifty-eighth session.

38. *It was so decided.*

Other matters

39. **The Chairman** informed members of the Committee that he had received communications from Kevin Young, the representative of Pitcairn, Dr. Carlyle Corbin, the representative of the United States Virgin Islands and Aliki Faipule Kolouei O'Brien, Ulu of Tokelau, containing requests to participate in the work of the Special Committee. They were also requesting the Committee to facilitate their participation through the reimbursement by the United Nations of the expenses incurred in that regard, in accordance with the guidelines amended by the Committee and approved by the General Assembly at its forty-eighth session (A/AC.109/L.1791, annex, and A/AC.109/L.1804) and the procedure established at the Special Committee's meeting on 3 June 2002 (A/AC.109/2002/SR.3). If he heard no objection, he would take it that the Committee approved the funding of those representatives, subject to available funds, and authorized the Secretariat to make the necessary administrative arrangements.

40. *It was so decided.*

The meeting rose at 11.50 a.m.

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General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 4th meeting
Held at Headquarters, New York, on Wednesday, 4 June 2003, at 10 a.m.

Chairman: Mr. Huntley ..... (Saint Lucia)

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Hearing of representatives of Non-Self-Governing Territories

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Any corrections to the record of this meeting and of other meetings will be issued in a corrigendum.

03-38280 (E)

The meeting was called to order at 10.30 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Requests for hearings (aide-mémoire 11/03)

2. **The Chairman** drew attention to the agenda item entitled "Special Committee decision of 10 June 2002 concerning Puerto Rico". He recalled that the Special Committee had had an annual discussion of the item, including hearings of interested organizations. The Committee had received 16 requests for hearings. He suggested that the petitioners should be heard in accordance with the Committee's usual practice.

3. *It was so decided.*

4. **The Chairman** drew attention to aide-mémoire 11/03, which contained a number of requests for hearings on the item concerned. If he heard no objection, he would take it that the Committee acceded to those requests.

5. *It was so decided.*

Question of Gibraltar (A/AC.109/2003/3)

6. **The Chairman** informed the Committee that the delegation of Spain had indicated its wish to participate in the Committee's consideration of the item. If he heard no objection, he would take it that the Committee acceded to that request.

7. *At the invitation of the Chairman, Mr. Oyarzún (Spain) took a place at the Committee table.*

8. **Mr. Oyarzún** (Spain) said that Gibraltar was a decolonization case in which there was a dispute over sovereignty between the United Kingdom of Great Britain and Northern Ireland, as the administering Power, and Spain. Spain would never renounce its claim to sovereignty, which extended not only to the Rock of Gibraltar, which had been transferred to the United Kingdom under article 10 of the Treaty of Utrecht, but also to the Isthmus, which was occupied by the United Kingdom. In view of the fact that there was a dispute over sovereignty, the question of Gibraltar was given specific and different treatment in the context of the United Nations, as had been recognized by the Special Committee many years earlier.

9. Every year the General Assembly adopted a decision by consensus on the subject of Gibraltar, in which it recalled previous decisions, as well as the joint statement agreed to by the Governments of Spain and the United Kingdom on 27 November 1984. In the text of the decision, the General Assembly stipulated, inter alia, the establishment of a negotiating process aimed at overcoming all the differences between them over Gibraltar, and that the issues of sovereignty would be discussed in that process. In that connection, he wished to underline that the Government of Spain was complying scrupulously with the decision of the General Assembly, with encouraging results.

10. The Ministers for Foreign Affairs of Spain and the United Kingdom had had several meetings and conversations with the aim of concluding a general agreement covering all the important topics, including those of sovereignty and cooperation, with the shared objective of offering a secure, stable and prosperous future for Gibraltar. That was a live process which was continuing.

11. Relations between Spain and the United Kingdom were currently going through one of their best moments in recent history. In that context, Spain was willing to reach a global agreement with the United Kingdom which would assure the Gibraltarian people the highest possible level of self-government to satisfy the interests and aspirations of the Territory. Spain considered that Gibraltar should fully benefit from the opportunities opening up before it in the new Europe, with the ultimate objective of overcoming the historic anomalies of the past.

12. Referring to the public consultation which had taken place in Gibraltar in 2002, he said it had been carried out contrary to the aforementioned decision of the General Assembly, which had left the solution of the question of Gibraltar in the hands of the United Kingdom and Spain. The results of the consultation were therefore invalid and had no legal effect since they contradicted the spirit and letter of the principle of self-determination.

13. In paragraph 6 of resolution 1514 (XV) of 14 December 1960, the General Assembly had stated that "any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations". The question of Gibraltar had to be considered from that perspective, taking into account, naturally, the provisions of the Treaty of Utrecht.

14. It should not be concluded from the above that the Government of Spain wished to reach an agreement over Gibraltar behind the backs of the Gibraltarian people. On the contrary. Both the Government of Spain and the Government of the United Kingdom had, on a number of occasions, invited the Chief Minister of Gibraltar to take part in ministerial meetings under the Brussels Process, and at the latest such meeting he had been offered an opportunity to take part in accordance with the formula "two flags, three voices". On behalf of his Government, he expressed regret that the Chief Minister had declined to accept those invitations and that no representative of Gibraltar had participated in the Seminar on decolonization held recently in Anguilla. That seminar had led to a better understanding of the special features of the various concepts of decolonization and of the specific legal characteristics of each individual situation. Spain had actively participated in the Seminar, one of the conclusions of which had been that each of the 16 Non-Self-Governing Territories remaining on the list was unique and that there could be no single solution to all decolonization questions.

15. In conclusion, he said that the negotiations between Spain and the United Kingdom over Gibraltar had received enthusiastic support from the European Union, which had once again reaffirmed that both countries were faithfully complying with the obligations arising from the decisions of the General Assembly.

Hearing of representatives of Non-Self-Governing Territories

16. **The Chairman** drew attention to the working paper prepared by the Secretariat (A/AC.109/2003/3). He also informed the Committee that he had received a communication from the Chief Minister of Gibraltar requesting an opportunity to address the Committee on the question of Gibraltar. He said that, if he heard no objection, he would take it that the Committee wished to accede to that request in accordance with its usual procedure. Since the Chief Minister himself was unable to be present, his deputy would speak on his behalf.

17. *It was so decided.*

18. **Mr. Azopardi** (Government of Gibraltar), noting the success of the Caribbean Regional Seminar organized by the Special Committee on the question of the development of the decolonization process, expressed the hope that future regional seminars would revert to the previous format, otherwise Territories such as Gibraltar that were neither in the Caribbean nor in the Pacific would be without a forum in which they could participate in a way that would enable them to focus meaningfully on their problems. However, in the absence at the Seminar of representatives of Gibraltar, representatives of other United Kingdom Non-Self-Governing Territories had spoken in defence of the rights of Gibraltarians to self-determination and had been critical of the assertion by the representative of Spain that the Government of his country would not allow representatives of the Special Committee on Decolonization to visit Gibraltar.

19. The representative of Spain had described such a possible visit as an "interference". It was incomprehensible that a visit by members of the Special Committee to a Territory on the list of Non-Self-Governing Territories could be an interference. The only party interfering in the work of the Special Committee was Spain. Of course, the real reason why Spain did not want members of the Special Committee to visit Gibraltar was that it did not want to give it an opportunity to learn about the real state of affairs in Gibraltar and the lives of its people. Spain's position and the arguments deployed by Spain in the United Nations bore no relationship to the truth. If the members of the Special Committee were to come to Gibraltar, Spain's fabrications would be refuted.

20. He once again, on behalf of the Government and people of Gibraltar, issued a pressing invitation to the members of the Special Committee to visit Gibraltar. Given that the United Kingdom had allowed the Caribbean Seminar to be held in a Non-Self-Governing Territory, namely Anguilla, and given also that at that Seminar the representative of the United Kingdom had stated that his country would agree to such visits if invitations were issued by the territorial authorities, the United Kingdom could not have any objection. If the United Nations could not provide funding for the visit, the Government of Gibraltar would do so, and, if the United Nations did not wish to accept funding from the Government of Gibraltar, the money could be raised from the people of Gibraltar in a street collection in the space of just one hour.

21. Year after year representatives of the Government of Gibraltar outlined their position at the United Nations, but to no practical effect. Every year the same ineffective resolution was adopted. The frustration of the Gibraltarians was explained by the fact that the agreed position of the United Kingdom and Spain and

the weight of those States in the United Nations stood in the way of the objective consideration of the question of Gibraltar by the Special Committee. The Gibraltarians could not secure agreement allowing them to seek an advisory opinion from the International Court of Justice since, in spite of their insistence, Spain (and probably also the United Kingdom) refused to submit the appropriate request. The United Nations was being systematically misled about the factual reality of Gibraltar. In that connection, he urged the Special Committee to convene a seminar or establish a working group specifically to consider the question of Gibraltar.

22. The whole of Spain's case, on the basis of which it denied the people of Gibraltar their inalienable right to self-determination, was based on its assertion that, under United Nations doctrine, Gibraltar must be decolonized not on the basis of the principle of self-determination but in accordance with the principle of territorial integrity. That was a wholly spurious argument. Under United Nations doctrine, decolonization could not be achieved by the application of the principle of territorial integrity. The Organization itself had acknowledged that when it had stated that in the process of decolonization there was no alternative to the principle of self-determination. As was perfectly clear from the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV) of 24 October 1970), the principle of territorial integrity (which was used to prevent the use of the principle of self-determination to break up States through secession) was not applicable in the case of the decolonization of Gibraltar. The aforementioned resolution established, in detail and specifically, the interaction between the principles of self-determination and territorial integrity. In order that the principle of territorial integrity should have primacy over the principle of self-determination, the State objecting against the application of the principle of self-determination must be "possessed of a government representing the whole people belonging to the territory". Spain was not possessed of such a Government. Gibraltar had its own Government, and the functions that it did not exercise as a consequence of limited self-government were exercised by the Government of the administering Power — the United Kingdom. Spain could therefore not properly invoke the principle of territorial integrity.

23. The Government of Gibraltar, with the support of many groups in Gibraltar, had organized and conducted a massive political campaign at the international level aimed at focusing attention on the difficult plight of the Gibraltarians. As a result, the Government of Gibraltar had been able to secure massive support in the media of the United Kingdom, from British trade unions and business organizations, in the United Kingdom Parliament and among the public at large in the United Kingdom. The campaign had culminated in the publication by the House of Commons Foreign Affairs Committee of a report containing an indictment of the United Kingdom Government for its actions and policies relating to Gibraltar. The Government of Gibraltar had also managed to secure wide support for its efforts at the international level.

24. Despite that, on 12 July 2002 the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom had made a formal statement to Parliament in which he had stated that the United Kingdom and Spain had reached broad agreement on many of the principles that should underpin a lasting settlement of the question of Gibraltar, and specifically on the principle of the joint sovereignty of the United Kingdom and Spain over Gibraltar.

25. As a direct response to that statement, the Government of Gibraltar had organized its own referendum. The campaign, the registration process, the voting and the counting of votes had all been observed by a team of eminent international observers. In the referendum the population had been asked whether it approved of the principle that the United Kingdom and Spain should exercise joint sovereignty over Gibraltar. Of the 20,675 registered voters, 18,176 had actually voted, representing a turnout of 88 per cent of the electorate. Of those, 187 (1.03 per cent of the valid votes cast) had voted "yes", and 17,900 (98.97 per cent of the valid votes cast) had voted against the principle.

26. For reasons best known to itself, Spain had described the referendum as "illegal". The referendum fully accorded with the laws of Gibraltar. The United Kingdom had called the referendum a premature local initiative and an "eccentric waste of money". On 7 November 2002, the Foreign Affairs Committee of the United Kingdom Parliament had condemned the position of the United Kingdom Government and had published a long and comprehensive report on Gibraltar in which it had recommended that the United Kingdom Government should take full account of the

views expressed in the referendum by the people of Gibraltar. Moreover, at a meeting of the Fourth Committee held on 4 October 2002, the representative of the United Kingdom had stated that the principle of Gibraltarian consent and an eventual referendum were central to the United Kingdom Government's approach and that the people of Gibraltar must decide by referendum on the acceptability of any eventual comprehensive package of proposals. Such a limited application of the right of consent was not the same as the right of Gibraltarians to determine their own future. The real intention of the United Kingdom and Spain was to conclude an agreement, or a declaration of principles, in which the United Kingdom would share sovereignty over Gibraltar with Spain. At that point, the right of Gibraltarians to self-determination would be betrayed, undermined and effectively denied for all time.

27. The Government of Gibraltar considered that full respect for the political and democratic rights of the people of Gibraltar to decide their own future required the United Kingdom to desist from entering into a political agreement with Spain against the wishes of the Gibraltarians, regardless of whether such an agreement could be implemented in practice without the consent of the Gibraltarians. Despite the fact that the people of Gibraltar had stated their position decisively in the referendum, the Government of the United Kingdom continued to declare that its position remained as set out in the 12 July 2002 statement (adherence to the agreement on the principle of joint sovereignty and an intention to continue to seek ways of reaching broad agreement based on that principle).

28. He once again urged the Special Committee to stop calling for the United Kingdom and Spain to conduct bilateral negotiations to try to settle their differences over Gibraltar. The form of words "their differences" did not take account of the political rights and aspirations of the people of Gibraltar. The Special Committee should ensure that there was a proper interpretation of its mandate with regard to decolonization, namely, that the only principle applicable to decolonization was self-determination. Accordingly, unless the Special Committee saw its mandate as that of a referee in a dispute over sovereignty between the United Kingdom and Spain, it must in its decisions and statements on Gibraltar explicitly recognize the rights and aspirations of its people. Unfortunately, the Special Committee itself might be encouraging the view that sovereignty disputes overrode and negated the right to self-determination. Thus, in the conclusions of seminars it was regularly stated that the Special Committee should implement its programme of work only in cases where there were no pending sovereignty disputes. That and other conclusions did not reflect the position of the Non-Self-Governing Territories and experts participating in the seminars, and had been included under extreme political pressure from Spain and Argentina.

29. The Gibraltarians would not surrender and allow their political rights and aspirations to be trampled on. Like all other United Kingdom Non-Self-Governing Territories, the Gibraltarians were planning to proceed with a process of constitutional reform and modernization that would take them to a level of self-government that would justify the removal of Gibraltar from the list of Non-Self-Governing Territories. It was extremely important, however, that no Territory should be removed from the list without an act of self-determination by its people, namely a referendum. The people of Gibraltar hoped that the Special Committee would help them to achieve their aspirations.

30. **Mr. Ovia** (Papua New Guinea) asked the representative of Gibraltar whether the Gibraltarians had really declined to participate in the Brussels Process.

31. **Mr. Azopardi** (Government of Gibraltar) said that, although it had been proposed that the Government of Gibraltar should participate in the Brussels Process of negotiations towards the settlement of the question of Gibraltar, it would have had the role of an observer in a bilateral process; Gibraltar could participate in that process only on an equal footing with the United Kingdom and Spain, if it became trilateral. Gibraltar had therefore considered the proposal to be insincere, especially as the United Kingdom and Spain had reserved for themselves the right to decide Gibraltar's fate in spite of the objections of its population. Gibraltar was prepared to enter into a dialogue with Spain that would be genuine, constructive and open.

32. **Mr. Ovia** (Papua New Guinea) said that the Special Committee should study the question of such a possibility in the course of its future work.

33. **Mr. Requeijo Gual** (Cuba) pointed out that it was not because the Caribbean Seminar in Anguilla had been devoted to Caribbean problems that Gibraltar had not taken part; representatives from a number of countries not connected with the region had

participated. Moreover, contrary to the assertion by the representative of the Government of Gibraltar, no pressure had been exerted on anyone while the drafting committee of the Seminar had been preparing the report. The report had incorporated only information that had been discussed during the Seminar.

34. **The Chairman** asked the representative of Gibraltar how pointedly the question of Gibraltar's future had figured in the 2000 elections in the Territory and whether the issue had been reflected in the candidates' election campaigns.

35. **Mr. Azopardi** (Government of Gibraltar), replying to the Chairman's question, said that Gibraltar's electorate unanimously supported the Government's basic position: the right to self-determination without interference from Spain. There was also no disagreement between the Government and the Opposition on that issue or on the question of holding a referendum. For that reason foreign policy issues had been less acute in recent elections than in earlier periods. As for the explanation given by the representative of Cuba, he said he would like to make it clear that it was merely an impression that the representatives of Gibraltar had had.

36. **The Chairman** asked whether the question of the principles of self-determination had figured in the Opposition and Government campaigns at the latest elections.

37. **Mr. Azopardi** (Government of Gibraltar) said that all the political parties were in agreement on the principle of self-determination.

38. **The Chairman** asked whether the legality of the elections in Gibraltar had been placed in doubt.

39. **Mr. Azopardi** (Government of Gibraltar) said that the recent elections in Gibraltar had been conducted in full compliance with constitutional law and, as far as he was aware, no doubts had been expressed regarding their legality.

40. **Ms. Mulamula** (United Republic of Tanzania) said that there had clearly not been enough representatives of Gibraltar at the Caribbean Seminar in Anguilla and that in future they must take part in such seminars. In particular, that would help the Government of Gibraltar to inform the population about the other possible decolonization options envisaged in United Nations doctrine.

41. **Mr. Azopardi** (Government of Gibraltar) replied that the population was aware of all the possible options for decolonization and that an information campaign on the subject had been conducted before the referendum. Moreover, public consultations with the community were held on a continuous basis in the context of the activities of the Committee on Constitutional Reform. All the decolonization options had been discussed in those consultations.

Hearing of petitioners

42. **The Chairman** recalled that at the previous meeting the Special Committee had decided to hear petitioners on the item under consideration.

43. *At the invitation of the Chairman, Mr. Bossano (Leader of the Opposition, Gibraltar) took a place at the Committee table.*

44. **Mr. Bossano** (Leader of the Opposition, Gibraltar), by way of defining more accurately the "minor differences of approach" to the question of participation in negotiations with Spain, emphasized that the decolonization of Gibraltar was a matter exclusively for the people of Gibraltar and the administering Power; Spain had no right to interfere in the matter, especially on the basis of the "Brussels Process".

45. There had been two very important developments in 2002 regarding decolonization: the Caribbean Seminar in Anguilla and the referendum in Gibraltar.

46. Since the Special Committee on decolonization, having unanimously affirmed in 1964 that the Declaration on the Granting of Independence to Colonial Countries and Peoples was fully applicable to the territory of Gibraltar and having noted the differences between the United Kingdom and Spain regarding the status of that territory, had called on the two countries to enter into negotiations, Spain had until now been attempting to use that invitation to disavow the Special Committee's conclusion that the people of Gibraltar were in no way different from other colonial peoples.

47. Gibraltar had, for its part, always unequivocally expressed its firm commitment to the implementation of the measures of the First and Second International Decades for the Eradication of Colonialism and its readiness to cooperate with the Special Committee and the administering Power in preparing a programme of work on Gibraltar that would enable the people of Gibraltar to implement their right to self-determination

and give the Territory of Gibraltar an opportunity to acquire a new status that would meet the demands made by the United Nations for the removal of a Territory from the list of Non-Self-Governing Territories on the grounds that it had achieved the maximum possible level of self-government.

48. In resolution 56/74 of 10 December 2001, the General Assembly had requested the Special Committee to continue to seek suitable means for the implementation of the Declaration in all Territories that had not yet exercised their right to self-determination.

49. As he had said the previous year, the Parliament of Gibraltar unanimously supported the proposed draft Constitution, which, being somewhere between the option of free association and that of the fourth mode, was the route to self-determination for Gibraltar.

50. The Caribbean Seminar had demonstrated that the three traditional decolonization options were difficult to apply to the remaining 16 Territories. However, the fourth mode proposed in General Assembly resolution 2625 (XXV) of 24 October 1970, simply enabled specific decolonization formulas to be evolved and was the obvious route to the gradual removal of the remaining 16 colonies from the list. The fourth mode concept provided that any change in political status on the basis of the freely expressed will of the people constituted implementation of one form or another of that people's right to self-determination. In 1998 Spain had stated that the fourth mode option was open only to Territories with the right to self-determination, but not to Gibraltar, where the principle of territorial integrity applied. Where a conflict arose between the principle of territorial integrity and the right to self-determination it was when a separatist movement was operating in the territory of a State; that was not the case with any of the 16 Territories on the list.

51. After the United Kingdom had stated unequivocally at the Caribbean Seminar that it supported the proposal to send missions to the Territories under its administration, Gibraltar had sent the Special Committee an invitation to send a mission to the Territory. In its reply to that invitation the Special Committee had stated that such a visit had to be approved by the United Kingdom, which, for its part, had always said that it had received no such request from the Special Committee. For the people of Gibraltar, the Special Committee's position on that question would be a litmus test of the seriousness of its commitment to fulfilling its duty. A refusal to visit the Territory would mean that the Special Committee, like the United Kingdom and the European Union, was more concerned not to offend Spain.

52. Spain had stated at the Caribbean Seminar that the comprehensive agreement under discussion in the negotiations with the United Kingdom would enable the people of Gibraltar to achieve the maximum possible level of self-government. That agreement was based on the principle of the joint sovereignty of the United Kingdom and Spain over Gibraltar, even though 99 out of 100 people who had taken part in the referendum in Gibraltar had rejected that principle.

53. The political Opposition in Gibraltar had called on the United Kingdom to put an end to all discussions with Spain regarding the sovereignty and decolonization of Gibraltar, being fully aware of the possible consequences of such a step in view of the fact that the Government of Spain had unashamedly told the United Nations that attempts by Gibraltar to pursue self-determination would lead to a worsening of relations between Spain and Gibraltar. It was a sad reflection on the serious shortcomings of the Organization that Spain could make such statements with impunity and with not a single voice raised in protest.

54. Such a policy towards Gibraltar was a flagrant breach of General Assembly resolution 2625 (XXV), which stated that all peoples had the right freely to determine their political status without external interference and that every State had the duty to respect that right in accordance with the Charter.

55. The Special Committee had arrived at a moment of truth. Depending on how it behaved, the people of Gibraltar would be able to reach a conclusion as to how serious its commitment was to the decolonization of the Territory or whether it was constrained in carrying out its obligations towards the people of the Territory of Gibraltar for fear of upsetting Spain.

56. **Mr. Oyarzún** (Spain) said that he disagreed in principle with a number of the opinions expressed by the representatives of the Government and the Opposition of Gibraltar. He referred those present to the statement he had made earlier, which accurately reflected the point of view of the Government of Spain.

57. **Mr. Stanislaus** (Grenada) paid a tribute to the Chairman of the Special Committee on the organization of the Caribbean Regional Seminar in Anguilla, which

had brought new ideas into the discussion of the question of decolonization. He proposed that the Chairman should use all his diplomatic skill to bring the United Kingdom, Spain and Gibraltar together and finally resolve the very long-standing problem of that Territory.

58. Noting that, to judge from all accounts, the Government of Gibraltar and the Opposition held the same position, he asked for an explanation concerning the so-called fourth mode, of the existence of which he had become aware during the regional Seminar in Fiji.

59. **Mr. Bossano** (Leader of the Opposition, Gibraltar) said that in the annex to General Assembly resolution 2625 (XXV) it was stated that a colonial people could implement decolonization by choosing independence or free association or integration with an independent State, or through the emergence into any other political status freely determined by that people. For example, if the European Union were to grant Gibraltar a status under which it would have the maximum possible level of self-government, in other words the status of a territory within the framework of the European Union which would not be integrated with one of the 15 States members of the Union and would not be associated with one of those States, that status would fall outside the confines of the three specific and clearly defined decolonization options. The United Nations had precise criteria to enable it to determine whether a Territory had achieved independence, had integrated with another State or had entered into free association with another State. But since 1970 there had been a new possibility. That was the option enabling the Committee to say that the status that was suitable for Bermuda would not be suitable for Pitcairn. In other words, it might be said that within the fourth option there were potentially 16 separate options, since each of the 16 Territories on the list of Non-Self-Governing Territories had specific characteristics peculiar to it. However, such a decision developed exclusively for Gibraltar would by no means compel Spain to relinquish its claims and demands concerning the incorporation of Gibraltar into Spain. But it was always natural for man to hope, and it was important to make every effort to make clear the error of such an approach.

60. **Mr. Ovia** (Papua New Guinea) said that regional seminars were usually held in the Caribbean and sometimes in the Pacific region. The Committee might, however, consider holding them in other locations, for example in Gibraltar.

61. **Mr. Ortiz Gandarillas** (Bolivia) said that the members of the Special Committee were required under the United Nations mandate to ensure that progress was made in securing the self-determination of peoples. There was not much time left for completing the processes of self-determination for the 16 Non-Self-Governing Territories, and the Special Committee must therefore expedite its work. He requested clarification regarding three matters: the current situation concerning the constitutional development of Gibraltar; the current position of the Territory's relations with the United Kingdom and Spain; and the current status of the population of Gibraltar. In that connection, he would be interested to know whether the inhabitants of Gibraltar held British passports.

62. **Mr. Azopardi** (Government of Gibraltar) said that Gibraltar was a self-governing overseas Territory, like others in the Special Committee's purview. The inhabitants of the Territory were citizens of the British dependent Territories or British citizens. Gibraltarians were also citizens of the European Union, since Gibraltar had joined the European Union in 1973, having agreed on a number of exemptions from the Treaty. Relations between Gibraltar and the United Kingdom were those of constitutional partners. Gibraltar was a fully self-governing Territory in all spheres except foreign policy and defence. The Constitution of Gibraltar needed significant revision as it had been adopted before Gibraltar had joined the European Union. Some powers remained with the Government of the United Kingdom.

63. Relations with the United Kingdom were relatively good, although recently a certain tension had arisen because of the fact that Gibraltar's interests and aspirations differed from the policy being pursued by the United Kingdom. For many years Gibraltar had had its own Constitution, its own Parliament and self-governing status which it assiduously protected. Gibraltar had a unique and undoubtedly individual status and begged the Special Committee to ensure that that status was protected.

64. Relations with Spain could be better, but for that to be the case they must be based on mutual respect and trust. And there had to be an understanding of the rights and aspirations of the people of Gibraltar and of their right to self-determination, which was a legal reality. Mutual respect might be achieved by holding a meeting and discussing the issues which did not undermine the respective positions of Gibraltar and

Spain. Gibraltar had always been in favour of a genuine, constructive, sensible and creative process of dialogue with Spain. Gibraltar considered that more could be achieved in the way of mutual cooperation if questions of sovereignty, which caused deep differences, were set aside. People living on either side of the border would only stand to gain if better relations were established with the central Government of Spain. The Government of Gibraltar was ready to make efforts in that direction provided that that did not undermine the basic rights and aspirations of the Gibraltarian people.

65. As for constitutional development, he said that there were serious grounds for making amendments to the Constitution so as to reflect the fact that Gibraltar had joined the European Union and also the fact that it had acquired self-governing status 35 years earlier. For that purpose, a committee had been established which enjoyed the support of both the Government and the Opposition. That committee was drawing up a draft constitution based on a special decision under the fourth option. The draft had received the unanimous support of the House of Assembly, and the Government planned to submit it to the Government of the United Kingdom as Gibraltar's legal partner in negotiations on constitutional relations. In conclusion, he said that the Government of Gibraltar was ready to provide any details on the matter that might be required.

66. **Mr. Bossano** (Leader of the Opposition, Gibraltar), providing an additional reply to the question put by the representative of Bolivia, said that the current Constitution of Gibraltar was completely obsolete. It had been adopted in 1969, following the 1967 referendum, and conferred on the Governor theoretical powers which in practice did not exist. Essentially, successive Governments of Gibraltar had in practice reviewed the provisions of the Constitution and taken action to implement whatever policy they had been elected to carry out. At the 1995 meeting on decolonization organized in London by the dependent Territories, the administering Power had described the new approach to relations with the colonies as "a partnership of equals" and had spoken of how the time had passed when the Colonial Office had told the colonies what they had to do. It was only because the colonies did not now allow the colonial Powers to do as they used to that Gibraltar was able to run its own affairs without any interference. Even so, however, vigilance was needed since colonialism was still alive and was not yet finished.

67. As for relations with Spain, he noted that relations with the inhabitants of the Campo region were just as they had been before the border had been closed — the people had ties of friendship and kinship and the region's inhabitants went to work in Gibraltar.

68. Turning to the status of the population of Gibraltar, he said that Gibraltarians were citizens of the British Overseas Territories, and were previously considered citizens of Britain's dependent Territories. They had the right to British citizenship, but many of them did not take advantage of that right. In conclusion, he supported the holding of a seminar on decolonization in Gibraltar, since it would give the members of the Special Committee an opportunity to visit Gibraltar, to meet face to face with its inhabitants and to get first-hand information. The Gibraltarians regarded the Special Committee as their friend, their ally and the defender of their rights.

69. *Mr. Bossano withdrew.*

70. **The Chairman** suggested that the Special Committee should continue its consideration of the question of Gibraltar the following year, taking into account any directives the General Assembly might give at its fifty-eighth session. He also suggested that all relevant documentation should be transmitted to the General Assembly at that session so as to facilitate consideration of the agenda item in the Special Political and Decolonization Committee (Fourth Committee).

71. *It was so decided.*

72. **The Chairman** said that the Special Committee had concluded its consideration of the agenda item.

Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands (A/AC.109/2003/1, 2, 4, 5, 8, 9, 11-13, 15 and 16)

Hearing of representatives of Non-Self-Governing Territories

73. **The Chairman** informed the Committee that the Minister for Tourism, the Environment, Development and Commerce of the Cayman Islands was in New York. He suggested that, with the Committee's consent and in accordance with its usual procedures, the Minister should be invited to address the Committee.

74. *It was so decided.*

75. **The Chairman** drew the Special Committee's attention to the report that had been circulated concerning its visit to the Cayman Islands on 9 April 2003 at the invitation of the Chamber of Commerce of the Territory.

76. **Mr. Bush** (Government of the Cayman Islands) said that the Caribbean Regional Seminar held in Anguilla in May 2003 had been both useful and timely.

77. The Cayman Islands had a strong economy, and for a long time had provided for its own needs. Its colonial relations with the United Kingdom, which went back to the seventeenth century, were for the most part very good. However, in recent times significant differences had arisen between the Territory and the administering Power. The Government of the Territory did not consider that it had a mandate to seek independence for the Territory, but it did consider that it had a duty to defend the interests of the population. The Territory's Constitution had been in force since 1972 and since then there had been major changes in the Cayman Islands which required that it be amended. The Government had therefore approached the administering Power with a request that amendments should be made that would expand self-government in the Territory. There was nothing in that request that would run counter to existing precedents in the British colonies or to the United Kingdom's obligations towards the Cayman Islands.

78. Under Article 73 of the Charter of the United Nations, the administering Powers were obliged to assist Non-Self-Governing Territories in the development of their political institutions. It was hard to reconcile with that a situation in which the United Kingdom presented the issue as if there was only one alternative to preserving the status quo, and that was independence. It followed from the same Article of the Charter that administering Powers were obliged to ensure the economic advancement of a Territory even if the economic interests of those Powers were better served by keeping such advancement in check. While the economy of the Cayman Islands was being treated as a pawn, the talk was of protecting the Eurobond market in the United Kingdom, in particular, and strengthening financial markets in the European Union as a whole.

79. The same Article 73 of the Charter spoke of the educational advancement of the Non-Self-Governing Territories. In fact, the administering Power kept the population in ignorance regarding the full range of options available to it in the plan for constitutional development and the expansion of self-government, and regarding the consequences of choosing one or other of those options. The following circumstance was also linked to the educational aspect. The judicial system in the Cayman Islands was built on the British model. According to that model, the person advising the Government on questions relating to the Constitution and State administration was the Attorney-General. But the Attorney-General appointed by the United Kingdom in the Cayman Islands always had the function of a prosecutor rather than that of an expert on constitutional questions.

80. In December 2002 he had been on a visit to London at the head of a delegation comprising representatives of the Government, the Opposition and non-governmental organizations. A meeting had been held on constitutional reform. At the meeting he had explained to the British side that the Cayman Islanders regarded the administering Power as a partner and understood the issues that were of concern to it, for example the question of the impartiality of the civil service and that of the independence of the judicial system. At the same time the administering Power had to understand that responsible government had been practised in the Territory ever since 1831. The amendments now being proposed by the Cayman Islanders were aimed at increasing accountability and transparency.

81. In London he had also explained that the ruling and opposition parties had managed to bring their positions closer together on the issue of the Constitution and that the only major unresolved element was the question of the time periods for reform of the Constitution. The Opposition wanted to wait until the next general election, while the ruling party considered that amendments to the Constitution should be introduced as soon as possible. Legislative practice and conditions in the Cayman Islands had far outstripped the Territory's existing constitutional order, which had become outdated. At the same time, the entry into force of the bill containing the laws the British side was insisting should be included in the Constitution would take some time. The Government of the Territory considered that, for that, certain legislative acts would first have to be updated, for example those concerning the regularization of elections and the prison system.

82. At the London meeting, the question of a referendum had been raised by a representative of one

of the non-governmental organizations. In the view of the Government of the Cayman Islands, a referendum was no panacea, and had to be used to resolve such key issues as the choice for or against independence and the question of amendments to the Constitution that were unrelated to those issues.

83. Following the London meeting, the Government of the United Kingdom had sent the Cayman Islands a draft Constitution which was essentially a template used by the administering Power for its remaining Overseas Territories. At the meeting the Cayman Islands delegation had been under the impression that the choice was between a ministerial form of government and independence. Now it was clear that there could be more options. The United Kingdom should go back to the draft Constitution and ensure that it reflected the special nature and aspirations of the Territory, particularly in terms of strengthening its financial sovereignty. Why was it impossible for the Cayman Islands to be given the same constitutional structure as Bermuda, especially as the two Territories had similar economies? Why could not all the United Kingdom Overseas Territories, without exception, have such a constitutional structure?

84. Matters were made worse by the fact that, departing from the position it had previously held, the United Kingdom was now saying that it was impossible for a new Constitution to enter into force before the next elections, planned for November 2004. The question arose as to whether that statement was linked to the recent departure from office of the Territory's Attorney-General, who had been appointed by the United Kingdom. He had been relieved of his office following the revelation of violations of the law on the part of British agents engaged in obtaining financial information at the time of the trial of the Eurobank case. The Cayman Islands had consented and was, as always, ready to assist in combating money-laundering, terrorism and other criminal activities. The regulatory regime operating in the Territory was far stricter than the regimes operating in European countries or in the United States of America. But the Cayman Islands allowed no one to violate legal procedures.

85. The Cayman Islands had an inalienable right to economic stability. Since sugar cane was not grown there and there were no other businesses of interest to the colonial Powers, the manifestations of colonialism in the Islands were muted. The Territory could now boast of the fact that it belonged to the list of active international business centres. And real colonialism was appearing now that the United Kingdom was seeking to put an end to the Territory's acquired status in order to satisfy its own interests.

86. The people of the Cayman Islands did not wish to abandon the long-standing ties linking them with the United Kingdom. They did not want independence, but rather access to all the available options, and at least to that enjoyed by Bermuda. The United Kingdom must recognize that securing peace, order and proper administration in the Territory was not the same as internal oversight on its part, especially the kind of oversight that undermined the financial independence of the Cayman Islands from the British Treasury.

87. **Mr. Requeijo Gual** (Cuba) said that the visit made to the Cayman Islands in April by the Chairman of the Special Committee was of great importance. He proposed that the Territory's electoral bodies should continue to work with the Special Committee and that a representative of the Territory should attend the meeting of the Fourth Committee at the fifty-eighth session of the General Assembly.

88. **Mr. Pisa** (United Kingdom) said that many of the questions touched on by the representative of the Cayman Islands had already been looked into by the United Kingdom at the Caribbean Regional Seminar. The United Kingdom was now undertaking a review of the constitutions of all its Overseas Territories. A high-ranking representative of the British Foreign and Commonwealth Office was visiting the Caribbean territories, and on 11 June he would be paying a visit to the Cayman Islands.

89. **Mr. Ovia** (Papua New Guinea) said he was optimistic that in the near future the question of the Territory's self-determination would be settled in a friendly manner.

90. **Mr. Ortiz Gandarillas** (Bolivia) wondered whether the Cayman Islanders were sufficiently well informed and knowledgeable about the matters under discussion to take a decision on the question of self-determination. Self-determination did not necessarily mean independence or any other single option.

91. He welcomed the readiness expressed by the administering Power to send a representative to the Territory to discuss current problems. Cooperation of that kind was always welcomed by the Special Committee.

92. **Mr. Bush** (Government of the Cayman Islands) said that it was really essential that the Cayman Islanders should be informed about the issues of self-determination, and that it would probably be worth considering what help could be given to the Cayman Islands in that regard.

93. As for the visit by the representative of the British Foreign and Commonwealth Office, he would be in the Cayman Islands chiefly to draw up the programme for the visit which the Chief Secretary of the Territory would be making to the United Kingdom in the second half of the year. There was no point in expecting that the question of the financial sovereignty of the Cayman Islands would be resolved during either of those visits. Pressure was being exerted on the British Overseas Territories in the Caribbean for them to agree to what the United Kingdom was getting out of them.

94. **Mr. Pisa** (United Kingdom) replied in the affirmative to the question put by **Ms. Mulamula** (United Republic of Tanzania) and the **Chairman** as to whether there was an opportunity to send a United Nations mission to the Cayman Islands or to hold one of the next regional seminars there.

95. **Mr. Ovia** (Papua New Guinea) expressed the hope that during the United Kingdom representative's visit to the Territory on 11 June all current issues would be brought up for discussion.

The meeting rose at 1 p.m.

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 5th meeting
Held at Headquarters, New York, on Monday, 9 June 2003, at 10 a.m.

Chairman: Mr. Huntley ..... (Saint Lucia)

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03-38876 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of Western Sahara (A/AC.109/2003/14)

2. **The Chairman** drew attention to the working paper on Western Sahara prepared by the Secretariat (A/AC.109/2003/14).

Hearing of petitioners

3. **The Chairman** recalled that, at its 3rd meeting, the Special Committee had decided to accede to the request for a hearing received from the representative of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO).

4. *At the invitation of the Chairman, Mr. Boukhari (Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO)) took a place at the petitioners' table.*

5. **Mr. Boukhari** (Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO)) said that the discussion of the question of Western Sahara was very timely in the light of the adoption by the Security Council of resolution 1485 (2003) on 30 May 2003, in which it had decided to postpone until July 2003 its consideration of the decolonization of Western Sahara.

6. The decolonization process begun by the Special Committee 40 years earlier should have led to the full decolonization of Western Sahara through the holding under United Nations supervision of a referendum on self-determination. In 1975, however, an agreement had been signed between Spain, Mauritania and Morocco, under which Western Sahara had then continued to be occupied by the latter two States. In 1976 they had signed an agreement dividing up the territory, its civilian population and its natural resources.

7. The Saharan people had been forced to continue their lawful struggle for self-determination and independence. Mauritania had subsequently withdrawn from the conflict, whereupon in September 1979 Morocco had occupied the areas left by the Mauritanian forces. That development, contrary to the rules of international law, had been unprecedented in the long history of acts of colonial oppression.

8. Neither the United Nations nor the Organization of African Unity (OAU) had ever recognized the legality of the presence of Moroccan forces in Western Sahara, and in 1984 the OAU had recognized the legitimacy of the Saharan people's cause by accepting Western Sahara as a member State. In 1983, the nineteenth Assembly of Heads of State and Government of the OAU had adopted a settlement plan, which had then been approved by General Assembly resolution 40/50 of 2 December 1985. In 1990, once the plan had been accepted by both sides to the conflict, it had been approved by the Security Council.

9. The United Nations-OAU settlement plan had begun a decolonization process which should have culminated in the holding in February 1992 of a referendum on self-determination. In April 1991, the Security Council had therefore decided to send the United Nations Mission for the Referendum in Western Sahara (MINURSO) to the region.

10. If Morocco had complied with its obligations under the settlement plan and the Houston agreements, the Special Committee would already have been able to remove Western Sahara from the list of territories awaiting decolonization. Through an objective analysis of the reasons for the current impasse, conclusions could be drawn as to how the United Nations could more effectively have fulfilled its political and moral duties in relation to the decolonization of Western Sahara.

11. In February 2000, thanks to the Houston agreements concluded between the Frente POLISARIO and the Kingdom of Morocco under the aegis of the Personal Envoy of the Secretary-General, MINURSO had completed the preparation of the preliminary list of participants in the referendum. All that remained had been to examine the appeals submitted by Morocco. The consideration of those appeals was an easily resolved technical issue, and minimal efforts in that area by the Secretary-General of the United Nations would certainly have been crowned with success.

12. Instead, however, the reports of the Secretary-General had begun to show the intention to renounce the only peace process which had been accepted by both parties and the United Nations, in order to replace it with alternative political solutions. The reasons for

such an unexpected change of approach were by no means convincing. Nonetheless, that had allowed Morocco to declare that the settlement plan had failed and to continue its efforts to oppose the efforts of the United Nations for the decolonization of Western Sahara. The Security Council had, however, shown wisdom in declaring that any proposed alternative solution must be accepted by both parties and must be based on the principle of self-determination for the Saharan people.

13. On 19 February 2002, the Secretary-General and his Personal Envoy had put forward three alternatives to the settlement plan, set out in document S/2002/178, but that the Council had not agreed to any of the choices and had confirmed the validity of the settlement plan. In January 2003, the Personal Envoy had submitted an additional settlement proposal which, together with the replies from the parties, was contained in the Secretary-General's report of 23 May 2003 (S/2003/565). That proposal called for a five-year transitional period during which Morocco would exercise sovereignty over Western Sahara but the territory's internal affairs would be governed by local authorities elected by its inhabitants. At the end of the period the United Nations would conduct a referendum on self-determination, in which not only Saharawi voters, but also Moroccan colonists who had been present in Western Sahara in December 1999 would be entitled to participate. The proposed transitional period entailed a considerable risk, because it could lead to the same violence and bloodshed as had been seen in the Middle East and East Timor. Another shortcoming of the proposal was that the right to vote was given not only to the Saharawis, but also to Moroccan colonists. The responses of the parties contained in the annex to the report of the Secretary-General showed that that proposal could not be a real alternative to the settlement plan.

14. According to the letter of the Minister for Foreign Affairs of Morocco to the Secretary-General, dated 23 May 2003, the United Nations should, as a starting point for the settlement of the conflict, definitively recognize Moroccan sovereignty over the territories it had occupied since 1975.

15. The Saharan side believed that the settlement plan was the only chance for a fair and lasting settlement of the conflict on the basis of United Nations resolutions. Accordingly, in response to the proposal of the Personal Envoy of the Secretary-General, the Frente POLISARIO was putting forward a proposal which would enable the Identification Commission to find practical solutions to issues relating to the appeals process, thereby opening up the way for the holding of the referendum.

16. The Frente POLISARIO was seeking to uphold the settlement plan and the Houston agreements which complemented it, in the belief that the plan was the only solution which had been accepted by both parties and by the United Nations. The plan should take priority over any other alternative. The longer the United Nations neglected the effective fulfilment of its obligations toward the decolonization of Western Sahara, and the longer the sufferings of its innocent people, the violation of their most elementary rights and the plundering of their natural resources continued, the less likely it would be that a peaceful settlement could be achieved within the framework of the United Nations. The greatest obstacle on the road to the decolonization of Western Sahara was Morocco. The latter expected the United Nations to renounce the principle of self-determination and instead to accept a solution which would enable Morocco to seize the country and its natural resources permanently. The people of Western Sahara hoped that the Organization would not permit Morocco to make use of the name and the Charter of the United Nations in order to legitimize its colonial misdeeds.

17. The decision to be taken by the Security Council on the conflict in Western Sahara would be of great importance in ensuring justice and peace in the region and for the authority of the United Nations system. The members of the Council had the necessary means and powers for the achievement of a just and lawful peace.

18. *Mr. Boukhari withdrew.*

19. **The Chairman** suggested that the Committee should conclude its consideration of the question of Western Sahara, taking into account any guidance that might be given in that connection by the General Assembly at its fifty-eighth session, and that it should transmit all appropriate documentation to the Assembly in order to facilitate consideration of the same item by the Special Political and Decolonization Committee (Fourth Committee).

20. *It was so decided.*

21. **The Chairman** said that the Committee had concluded its consideration of the agenda item.

Requests for hearings (aide-memoire 11/03/Add.1)

22. **The Chairman** drew attention to aide-memoire 11/03/Add.1, containing a number of requests for hearings concerning the item "Special Committee decision of 10 June 2002 concerning Puerto Rico". If there were no objections, he would take it that the Special Committee wished to accede to those requests.

23. *It was so decided.*

Special Committee decision of 10 June 2002 concerning Puerto Rico (A/AC.109/2003/L.3 and L.7)

Hearing of petitioners

24. **The Chairman** recalled that at its current and previous sessions the Special Committee had decided to hear a number of petitioners on the question under consideration.

25. *At the invitation of the Chairman, Mr. Farinacci García (Frente Socialista) took a place at the petitioners' table.*

26. **Mr. Farinacci García** (Frente Socialista) said that he was speaking on behalf of the Frente Socialista, which grouped together parties and movements campaigning for independence and socialism in Puerto Rico. On behalf of the workers, women and young people of Puerto Rico, he called on the Committee to take a decisive position on the colonial regime currently in existence in Puerto Rico and to appeal to the United States of America to recognize the inalienable right of the people of Puerto Rico to freedom.

27. A number of organizations that were defending Puerto Rico's right to self-determination and independence had made statements to the Committee in recent years in which they had repeatedly condemned the increasingly harsh colonial regime there and had reported on the increasingly active struggle of the Puerto Rican people against concrete manifestations of imperialist domination.

28. Since 1999 those organizations had been actively opposing the situation that had arisen in Vieques as a result of the actions of the United States Navy. He thanked the Committee for adopting a resolution supporting the Puerto Rican people and calling for the withdrawal of the United States Navy from the territory of Vieques. But the Vieques struggle was not over — there was still the task of restoring the island's natural environment, as well as the final transfer of the liberated territory to the inhabitants of Vieques.

29. Over 1,200 persons had been convicted in United States courts for struggling on behalf of the just cause of the Puerto Rican people. Eight of them had been included in a list of domestic terrorists compiled by the United States Department of Justice, which was a scandalous violation of human rights. They had all been subject to continual persecution by a repressive system.

30. Another source of tension in the colonial regime was the intention of the United States Government to introduce the death penalty in Puerto Rico, even though it was prohibited by the country's Constitution. Ignoring the provisions of the Constitution, the United States authorities had confirmed 14 death sentences passed by courts in Puerto Rico. United States federal courts had come to the conclusion that federal legislation had precedence over the Constitution of Puerto Rico. That was just one more act of colonial infringement of the democratic rights of the Puerto Ricans. The threat of the death penalty still hung over two Puerto Ricans whose fate lay in the hands of 12 jurors who were ignorant of the fact that the Puerto Rican people were categorically opposed to the death penalty, regarding it as a barbaric and unreasonable act. And that was just one of many concrete manifestations of the colonial domination that was restricting democratic freedoms in Puerto Rico.

31. The Frente Socialista would carry on the struggle until the right of the Puerto Rican people to self-determination and independence was recognized, and the unconditional transfer of all sovereign powers to the Puerto Rican people was assured.

32. The Frente Socialista would stand up for the rights of the Puerto Rican people on the basis of General Assembly resolution 1514 (XV) of 14 December 1960 and would call for the immediate withdrawal of the entire United States military, legal and political apparatus from Puerto Rico. The Frente Socialista insisted on the release of all prisoners languishing in imperial jails. He said in conclusion that Frente Socialista supported the draft resolution that had been submitted and requested that the question of Puerto Rico be transmitted to the General Assembly for consideration as soon as possible. The international community must fulfil its obligations to support decolonization processes throughout the world.

33. *Mr. Farinacci García withdrew.*

34. *At the invitation of the Chairman, Mr. Ortiz-Guzman (PROELA) took a place at the petitioners' table.*

35. **Mr. Ortiz-Guzman** (PROELA) said that his organization recognized the existence in Puerto Rico of a colonial situation, and thus the jurisdiction of the Special Committee in considering the question of Puerto Rico. Regrettably, the United States Government was displaying indifference with regard to the efforts of the Puerto Rican people to change their status and fulfil demands for decolonization. Over the past 50 years Puerto Ricans had expressed their desires in three referendums — in 1977, 1993 and 1998. They had submitted many proposals on the question, but had received no response from the United States Congress or Government. Moreover, in the past two years the United States Department of State had not allowed Puerto Rico to play an independent part in the work of the Association of Caribbean States, which was having a negative impact on the country's socio-economic potential.

36. In light of the above, PROELA was calling for free association under which the Puerto Rican people could bring about the decolonization of the country. Political association as a variant of decolonization was not mentioned in resolutions of the Special Committee adopted between 1979 and 2002. That alternative was also not mentioned in the draft resolution submitted in 2003. The Special Committee should consider the special situation in Puerto Rico and include that variant in a resolution since it enjoyed the support of various strata of Puerto Rican society. Free association as a variant of decolonization was acknowledged in several resolutions, including General Assembly resolution 1541 (XV) of 15 December 1960. A definition of and specific criteria for that alternative were given in that resolution. On 12 September 1968 the Special Committee had adopted a resolution in which, after confirming the right of Puerto Rico to self-determination and independence, it recognized free association as a variant of decolonization. Recognition of that variant of sovereignty would fully correspond to the principles of international law. He requested the Special Committee to insert a new paragraph in the draft resolution referring to the variant of free association. He also called on the United States to submit a plan for the decolonization and self-determination of the people of Puerto Rico and appealed to the sponsors of the resolution on Puerto Rico to pay heed to the arguments of the movement for autonomy and free association in the course of drafting the text. The Special Committee should propose to the Government of the Free Associated State of Puerto Rico that it produce information concerning the state of relations between Puerto Rico and the United States.

37. In conclusion, he said that the Special Committee should take account of the resolutions adopted by both chambers of the Legislative Assembly of Puerto Rico regarding the holding of a referendum called for by the Constituent Assembly on relations between Puerto Rico and the United States. He also requested that United Nations observers should be sent to observe any voting process that was instituted.

38. *Mr. Ortiz-Guzman withdrew.*

39. *At the invitation of the Chairman, Ms. Seijo Ortiz (Colegio de Abogados de Puerto Rico) took a place at the petitioners' table.*

40. **Ms. Seijo Ortiz** (Colegio de Abogados de Puerto Rico) said that her organization brought together lawyers of various political and ideological affiliations and had consistently condemned the colonial system prevailing in Puerto Rico. It had repeatedly called on the Special Committee to ensure implementation of the provisions of General Assembly resolution 1514 (X[illegible]), which declared that all peoples had the right to self-determination and demanded that an end be put to all manifestations of colonialism. A population could not be free until it exercised its right to vote, having chosen independence or association with another State or to form part of another State. The Puerto Rican people had not chosen their past or their present, but they were insisting on their right to choose their future.

41. Puerto Ricans could not stand idly by and observe manifestations of injustice towards their compatriots with regard to actions taken by them in full compliance with the inherent right of colonial peoples, declared by the General Assembly in 1970, to struggle against colonial Powers by all necessary means at their disposal.

42. Examples of actions by the colonial Power which undermined the dignity of the Puerto Rican people were the incarceration of Puerto Ricans in United States federal prisons for lengthy terms for fighting for their independence; the plan to bring criminal cases against Puerto Ricans who, exercising their right to

freedom of expression, had destroyed symbols on Vieques of the island's occupation by the United States Navy; putting Puerto Ricans who had used civil disobedience in their struggle for the withdrawal of the Navy from Vieques on the United States Department of Justice's terrorist list; attempts to restore the death penalty despite its being banned by the Constitution of the Free Associated State; the lack of progress in returning to the population of Puerto Rico their lands on the island of Culebra and also in the matter of cleaning up those lands, in spite of the fact that 28 years had already passed since the United States Navy withdrew from that island; the transfer of territory on the island of Vieques, which had been freed after the marines had left, to the United States Department of the Interior rather than to the Puerto Rican people and the failure to carry out demands to clean up the territory and compensate for damage caused by the United States Navy to both Culebra and Vieques.

43. The reason for all those and other similar situations was the colonial status of Puerto Rico; they could be rectified only by granting the people the right of self-determination. In that connection, the decision of the General Assembly in 1953 to release the United States of America from the obligation to submit information on the territory of Puerto Rico was mistaken since a mutually agreed association did not meet the criteria established by the General Assembly itself in resolutions 742 (VIII) of 27 November 1953 and 1541 (XV).

44. She asked the Special Committee, in deciding on its position on the question of Puerto Rico, to take into account all the circumstances that had been mentioned. There was a consensus in Puerto Rico between the different political parties on the need to seek a procedural mechanism to enable the people to express their opinion concerning the political and legal formula for determining the status of Puerto Rico. In that connection, the Colegio de Abogados de Puerto Rico had unanimously adopted a resolution and approved a tripartite draft law providing for the holding of a referendum on the convening of a constituent assembly to discuss the proposals for a change in the political relationship between the people of Puerto Rico and the United States. The constituent assembly was a mechanism of democratic consensus in relation to any of the three forms of self-determination. However, in order for such efforts to be successful, it was essential for the United States to declare that it would abide by the decision taken by the Puerto Rican people. Also essential was the support of the General Assembly, which was the repository of international law.

45. Expressing regret concerning the survival of relics of colonialism in the twenty-first century, she called on the Special Committee to declare that Puerto Rico had not attained self-determination and was entitled to it. It was also essential to refer the question of Puerto Rico to the plenary General Assembly for consideration in order to enable Puerto Rico in the near future to escape the doubtful honour of being termed the oldest colony in the western hemisphere.

46. *Ms. Seijo Ortiz withdrew.*

47. *At the invitation of the Chairman, Mr. Salvador Vargas Jr. (Concerned Puerto Rican Americans) took a place at the petitioners' table.*

48. **Mr. Salvador Vargas Jr.** (Concerned Puerto Rican Americans), while welcoming the withdrawal of the United States armed forces from the Puerto Rican island of Vieques, pointed out that, in fact, nothing had changed since the military command had handed over the occupied territory not to Puerto Ricans but to the Committee on Energy and Natural Resources of Congress, retaining the right to resume military activity on the island in the future. The Puerto Rican islands of Vieques, Culebra and Mona therefore remained under the control of the United States Congress.

49. He said that that had been done with the connivance of the present Governor who was endeavouring to convince the international community that the military occupation of Puerto Rico had been terminated.

50. Two leading international terrorists wished to subjugate all sovereign States, threatening the security not only of Puerto Rico, Afghanistan, Palestine and Iraq, but also of all other countries that impeded the realization of their plans.

51. The United Nations had lost its relevance as an instrument for supporting peace and had become a plaything in the hands of terrorists. The Secretary-General, Mr. Kofi Annan, was under the thumb of the United States of America and the United Kingdom and had become a pathetic puppet who had not even deprived those countries of their right to vote in the Organization. He was unworthy to occupy his post and

should return the Nobel Prize, which had undeservedly been awarded to him.

52. The United Nations had become an instrument of evil, which enabled the two terrorists to decide the fate of Yugoslavs, Africans, Arabs, Asians and Latin Americans. Diplomacy itself had become a fiction, which was being used to undermine the determination of peoples to fight for their freedom.

53. *Mr. Salvador Vargas Jr. withdrew.*

54. *At the invitation of the Chairman, Ms. Hernández (Partido Nacionalista de Puerto Rico) took a place at the petitioners' table.*

55. **Ms. Hernández** (Partido Nacionalista de Puerto Rico) said that the United States, in open defiance of the resolution of the Special Committee, the United Nations Charter and the norms of international law, was refusing to take steps to ensure a genuine process of decolonization in Puerto Rico. That was occurring at a time of a worldwide resurgence of the practice of aggressive warfare, colonialism, neocolonialism and the systematic plunder of the resources of the countries that were the victims of such crimes. Only recently the world had witnessed the invasion of a sovereign country and a new attempt to divide up the world among the great Powers. She was concerned at attempts to restrict the role of the United Nations, thus making it effectively powerless. The world was being threatened by a world order in which the law of the strongest prevailed, and it was essential to counter that threat as soon as possible.

56. Repression in Puerto Rico had become even more overt. People struggling for such just causes as that of ending the presence of the armed forces of the United States on Vieques or the granting of the country's independence were being prosecuted. Antonio Camacho Negrón, a fighter for independence who refused to recognize the jurisdiction of those intervening on his behalf and that of his country, was in prison. The names of a number of Puerto Ricans were included in lists of terrorists, a fact which, as was well known, led to their being arrested and held in prison or in concentration camps such as the base at Guantanamo, where hundreds of people, despite all the existing laws of the United States and the norms of international law, were being detained in violation of all legal safeguards. The colonial regime was maintained with the help of electoral devices that were contrary to all ethical and moral standards. Puerto Rico was entirely under the domination of a great Power, which had made war its sole political instrument and was establishing its hegemony and trampling on the freedom of peoples.

57. Puerto Rico could not wait for yet another century to pass. Colonialism was an encroachment upon a people, not only economic, cultural and social, but also emotional and psychological. Colonialism was a crime against humanity. It was essential to accelerate the pace of events so as not to permit emotional, physical and psychological genocide. Puerto Ricans, being convinced of their resolve and their struggle as well as of the support of the Special Committee, hoped that that would not occur. Puerto Rico was entitled to join the community of the free and sovereign States of the world. The United States should leave the national territory of Puerto Rico, withdraw all its repressive and armed forces and release the compatriots languishing in the jails of the United States. It was essential to make a start on a general process of decolonization, which would make possible the transfer of sovereignty over Puerto Rico to the Puerto Ricans themselves. The attainment of independence by Puerto Rico would be a historic event and an important step towards peace and ensuring human rights throughout the world. In conclusion, she expressed the hope that the Special Committee would be able to give practical assistance towards the attainment of that aim.

58. *Ms. Hernández withdrew.*

59. *At the invitation of the Chairman, Mr. Chávez (Gran Oriente Nacional de Puerto Rico) took a place at the petitioners' table.*

60. **Mr. Chávez** (Gran Oriente Nacional de Puerto Rico) said that the patriotic freemasons of Puerto Rico had always been in the forefront of the struggle for the decolonization and independence of Puerto Rico; since 1972 they had regularly taken part in the Special Committee, providing information on various aspects of the struggle of the Puerto Ricans to attain their inalienable right to sovereignty.

61. He noted with satisfaction the unanimous adoption in 2002 of a resolution in support of the self-determination and independence of Puerto Rico which, in his view, should form the basis for consideration of the subject of Puerto Rico by the General Assembly.

62. More than one generation of the most worthy representatives of the Puerto Rican people had devoted

their lives to the cause of political, economic and social independence. Even today, many Puerto Ricans who were involved in the struggle for independence were languishing in the jails of the United States. In that connection, he appealed to the Special Committee to call for the immediate release of those political prisoners.

63. Despite the oppression to which the Puerto Rican people had been subjected, certain victories had also been achieved. The Government of the United States had recently ceased its firing exercises on Vieques; that had been achieved through the selfless action of hundreds of men and women, many of whom had been sentenced to various terms of imprisonment for having, by peaceful means, demanded the restoration of tranquillity on Vieques. International solidarity was of great significance to the struggle of the Puerto Rican people, particularly the unfailing support of the Special Committee. However, the victory achieved on Vieques was not total. Most of the territory of Vieques remained, as before, in the hands of various agencies of the United States Government and was still contaminated by radioactive material and other noxious substances. The territory of the island of Culebra was still contaminated although the United States armed forces had left the island as long as 30 years previously. He hoped that the Special Committee would support the demand for the clean-up of the contaminated territory of Culebra and Vieques and for the return of the liberated territories to Puerto Ricans to be used for the purposes of sustainable development. It was also essential to compensate for the damage that the United States presence had caused on Vieques and Culebra which were a unique natural resource.

64. In conclusion, he called on Committee members to take decisive measures to put an end to the existence of the world's oldest colony. The Puerto Rican people, for their part, would continue their efforts to achieve self-determination based on consensus and democratic will.

65. *Mr. Chávez withdrew.*

66. *At the invitation of the Chairman, Mr. Velgara (Vieques Support Campaign) took a place at the petitioners' table.*

67. **Mr. Velgara** (Vieques Support Campaign) said that the organization that he represented had been established in May 1999 to support the needs of the people of Vieques.

68. At present, more than at any other time since the Second World War, the global political, diplomatic, military and economic threats to national sovereignty and self-determination were a clear challenge. Nowhere had the gauntlet of liberation and justice facing the community of nations been so clearly thrown down as in Palestine and Puerto Rico, and most recently Iraq. In the case of Iraq, millions of people throughout the world had dared to oppose the war.

69. The inhabitants of Vieques and all of Puerto Rico had celebrated on 1 May 2003 the closing of the United States Navy bombing range. That had been achieved thanks to militant and consistent civil disobedience, international support and public pressure over a period of three and a half years; in Vieques and elsewhere more than 1,600 people calling for an end to the bombing and the immediate withdrawal of the United States Navy had been arrested. The world was witness to the brutal and racist treatment of persons arrested for their devotion to the Vieques cause. The struggle ahead would involve decontamination, devolution of the land and sustainable development.

70. The island of Vieques remained one of the most flagrant examples of the colonial control exercised by the United States of America over the people of Puerto Rico since its military invasion of 1898. Twenty-seven per cent more people suffered from cancer on Vieques than on the main island of Puerto Rico; many types of respiratory illness had spread; and the water, air, flora and fauna had been contaminated. The official unemployment rate on Vieques was more than 40 per cent. Vieques remained a training ground and base for military invasions of other countries.

71. All that was needed for colonization, military invasions and pre-emptive wars to continue to define the current millennium was for States of goodwill standing for peace and justice to say and do nothing. The current hearings in the Special Committee were a reminder of the genuine aspirations of many States and peoples in the world. He called for the freedom and sovereignty of Puerto Rico and the complete demilitarization of Vieques, including the dismantlement of the over-the-horizon radar station deployed there.

72. *Mr. Velgara withdrew.*

73. *At the invitation of the Chairman, Ms. Brassell (United for Vieques, Puerto Rico, Inc.) took a place at the petitioners' table.*

74. **Ms. Brassell** (United for Vieques, Puerto Rico, Inc.) said that the goal of her organization was to inform civil society about the health hazards and ecological and economic destruction caused by the activities of the United States Navy on Vieques and inspire the public to participate actively in and protect their communities.

75. After welcoming the fact that demands for the demilitarization of Vieques had been met on 1 May 2003, she said that there were three remaining demands: the contamination from more than half a century of bombing and other military action must be removed from the lands and waters of Vieques; every inch of land on Vieques must be given back to the people of Puerto Rico; and the people must be allowed to fulfil their vision for the development of a free Vieques, without interference from the United States Navy, through a land trust, so that the land rescued from the Navy would belong forever to the people of Vieques.

76. Attempts to assimilate and Americanize the people of Vieques must cease. The right of the people of the island to speak Spanish and to have their own culture was non-negotiable.

77. The United States Navy still had on Vieques a relocatable over-the-horizon radar station which was so powerful that, by the United States Navy's own admission, it could alter the weather. Furthermore, the land on Vieques was still not in the hands of the people. The Navy had turned it over to the United States Department of the Interior, which in turn had given jurisdiction over it to the Fish and Wildlife Service. That step was a cause for alarm because it had been taken in order to relieve the United States Navy of any responsibility for cleaning up the land and to avoid returning it to the inhabitants of Vieques.

78. Funds must be provided to promote sustainable development on the island. The Navy presence had devastated the economy and the livelihoods of the people.

79. The international community must firmly support the efforts to achieve the restoration of peace to Vieques.

80. *Ms. Brassell withdrew.*

81. *At the invitation of the Chairman, Mr. Ramos Rosado (ProLibertad Freedom Campaign) took a place at the petitioners' table.*

82. **Mr. Ramos Rosado** (ProLibertad Freedom Campaign) said that he represented a broad-based anti-imperialist and anti-colonial organization that sought to secure the freedom of Puerto Rican political prisoners and prisoners of war and the decolonization of Puerto Rico by educating, organizing and mobilizing communities.

83. With the Second International Decade for the Eradication of Colonialism (2001-2010) in full progress, the question of Puerto Rico remained a critical and defining component of that strategic plan. If the United States of America were to give up colonial control over Puerto Rico, that would force other administering Powers such as France and the United Kingdom to follow suit, which, in turn, would also dissolve their colonial relations with the 17 remaining Non-Self-Governing Territories. Notwithstanding the Committee's groundbreaking and unified cry against colonialism, the United States of America had not acted on any of its recommendations.

84. Although the Puerto Rican people were able to travel to the United States of America, they remained a colonized people: they were the first to be sent to war; they were not represented in Congress; and they were objects of repression and surveillance when seen by the United States of America as a threat to the colonial status quo. Six Puerto Rican political prisoners had served more than 20 years in United States prisons. Their sentences were punitive and excessive. Although none of the Puerto Rican political prisoners and prisoners of war had had prior criminal records or had been charged with any violent acts, they had been given sentences 19 times longer than the average sentence handed down during the year of their arrest. That clearly showed that the goal was to punish them for their beliefs and not for the acts alleged by the United States Government at the time of their arrest. Despite the fact that the Puerto Rican political prisoners and prisoners of war had demonstrated exemplary behaviour since their incarceration, they had been subjected to torture, abuse and violence, denied medical treatment, held in solitary confinement for unacceptably long periods and denied the possibility of meeting with family and legal counsel. Such acts of torture and repression were a direct violation of the Standard Minimum Rules for the Treatment of Prisoners, prohibiting discrimination against prisoners on grounds of political opinion or conviction.

85. The United States of America had recently waged war against Iraq to rid the country of weapons of mass destruction, which turned out not to be there, and also, allegedly, to promote the freedom and right to self-determination of the Iraqi people. The concern of the United States of America for human rights and its commitment to the cause of freedom were hypocritical. The colonial reality of Puerto Rico, the United States military presence on Vieques and the incarceration of political prisoners and prisoners of war were all violations of international law and human rights which the United States had done nothing to rectify. Moreover, the United States was exercising its right, under Article 73e of the Charter of the United Nations, not to transmit information as a loophole for violating human rights in Puerto Rico. His organization would like the question of human rights violations in Puerto Rico to be taken up at the international level and the consequent denial of the right of the United States to withhold information under Article 73e of the Charter.

86. He said that, in spite of advances such as handing down suspended not guilty verdicts in the cases of 11 Puerto Rican political prisoners and prisoners of war and their freeing in 1999 and the recent ending of military exercises on the island of Vieques, the goal of the decolonization of Puerto Rico had not been achieved.

87. He requested the Committee to call on the United Nations to adopt immediate measures to put an end to Puerto Rico's colonial status, to meet the demands of the people of Vieques and to secure the unconditional freeing of all remaining Puerto Rican political prisoners and prisoners of war.

88. *Mr. Ramos Rosado withdrew.*

89. *At the invitation of the Chairman, Mr. Martín-García (Puerto Rican Independence Party) took a place at the petitioners' table.*

90. **Mr. Martín-García** (Partido Independista Puertorriqueño) said that the basic element in the draft resolution under consideration by the Committee was recognition of the inalienable right of the people of Puerto Rico to self-determination and independence in accordance with the norms of international law.

91. The United Nations was living through the deepest crisis since its founding. Unilateral actions by the Government of the United States in unleashing war on Iraq and threatening to punish Governments that spoke out against that imperialist policy were creating a danger that the United Nations was becoming the agency for disseminating decisions that had been taken in Washington, which was a violation of the basic principles of international law. At what was a very complex time, the Security Council had succeeded in rejecting the blackmail and pressure to which it was subjected.

92. It was not surprising that the resolution traditionally submitted by Cuba, in which it was confirmed that Puerto Rico was a colony of the United States, was meeting with strong revanchist pressure designed to sabotage its adoption.

93. Adoption of the resolution under consideration would be not only an expression of solidarity with the law on the sovereignty of Puerto Rico but also an important contribution to enhancing trust in the agencies of the United Nations and in their independence.

94. *Mr. Martín-García withdrew.*

95. *At the invitation of the Chairman, Ms. Ramos (American Association of Jurists) took a place at the petitioners' table.*

96. **Ms. Ramos** (American Association of Jurists) said that her organization supported the text of the resolution submitted, which reflected the desire of the people of Puerto Rico to begin the process of decolonization without pressure or interference from the Government of the United States.

97. Resolutions previously adopted by the Committee, which had contained calls for the United States immediately and unconditionally to stop bombing and military exercises on the island of Vieques, had demonstrated international solidarity, making the people of Puerto Rico feel that they were not alone.

98. The American Association of Jurists, together with the Colegio de Abogados de Puerto Rico, had condemned the violation of human rights by the United States Navy at a meeting in Geneva of the Human Rights Committee, stating that the contamination and damage done to the environment as a result of military manoeuvres, including experiments with depleted uranium and other kinds of weapons unrelated to ordinary arms, were a convincing demonstration of "ecological racism".

99. Although the United States Navy had stopped its manoeuvres on Vieques island, the land had been transferred to the jurisdiction of the Department of the Interior and the United States Fish and Wildlife Service. The American Association of Jurists was once again expressing its support for the draft resolution demanding the return of the occupied land on Vieques to the people of Puerto Rico, so as to ensure the future economic development of the island, and its decontamination. It was necessary to undertake environmental research to determine the scale of the damage and environmental degradation due to 60 years of continuous military activity.

100. A genuine process of decolonization required that the military activity of the administering Power be terminated. It was essential for President Bush to release Puerto Rican prisoners serving long sentences in United States prisons for cases related to the struggle for the independence of Puerto Rico. The American Association of Jurists welcomed the proposal to establish a Constituent Assembly, thereby committing the Congress of the United States to transfer to it full and complete plenipotentiary powers in respect of Puerto Rico.

101. *Ms. Ramos withdrew.*

102. *At the invitation of the Chairman, Mr. Gonzáles (Comité Pro Rescate y Desarrollo de Vieques) took a place at the petitioners' table.*

103. **Mr. Gonzáles** (Comité Pro Rescate y Desarrollo de Vieques) said that the presence and activities of the United States Navy on Vieques island over more than 60 years was hindering the attainment of civil and human rights. After four years of peaceful civil disobedience and the adoption of other non-violent measures, the United States Navy had been forced to stop its military operations on the island.

104. Scientific research carried out both by the Navy and by State bodies and universities in Puerto Rico had shown that many islanders were suffering from cancers and other illnesses caused by toxic substances which had been accumulating on the island over 50 years of military exercises. Among the substances were heavy metals and other chemical components of explosives and radioactive substances such as uranium. The island's population was in favour of the sustainable development of Vieques. However, the United States Congress had transferred the island into the possession not of its legal owners, i.e. the population of Vieques, but of the United States Department of the Interior.

105. The inhabitants of Vieques were requesting the Special Committee to include in its resolution the demand to the United States Congress that it ensure a complete environmental clean-up of the island, return the lands and support the sustainable development of the island.

106. His committee had formulated the following four demands of the island's residents: demilitarization, decontamination, return of the land and development.

107. The island's population had managed to secure the halting of bombing practice although demilitarization had not been completed. In the south-western part of the island a mobile over-the-horizon radio location station was continuing to operate, and in Monte Pirata there was a military communications post. His committee was demanding the inclusion in the agreement on the transfer of lands of a clause on the impossibility of using Vieques in the future for military purposes.

108. His committee was demanding a full and comprehensive environmental clean-up so that it would be possible to use the land for agriculture, the development of ecotourism, the building of houses and other purposes. Decontamination and restoration of the environment to its previous state had to be in part a process of socio-economic development in which hundreds of the island's residents would take part. The role of the population of Vieques in conducting the scientific environmental research was of very great importance. His committee wanted Puerto Rican scientific research establishments to be involved in restoring the environment to its prior state so as to avoid dependence on foreign companies or the United States Navy. His committee was also in favour of the establishment of an international centre for conducting research on cleaning up the island.

109. His committee would use all peaceful means at its disposal, including civil disobedience, to secure the return of all the lands which by right belonged to the people of Puerto Rico.

110. His committee would be campaigning to ensure that the lands and projects in the development area were used in the interests of the people and not of hotel owners and politicians. His committee was in favour of broad and genuine participation by the population in

the taking of decisions concerning the future use of the lands.

111. The demands put forward by his committee were interdependent. It was impossible to ensure the territories' development if they were not returned and demilitarized. His committee called for strengthened unity and better organization so that Vieques could be cleaned up and transferred to the people to whom it belonged.

112. *Mr. Gonzáles withdrew.*

113. *At the invitation of the Chairman, Mr. Rivera (Puertorriqueños Unidos en Acción) took a place at the petitioners' table.*

114. **Mr. Rivera** (Puertorriqueños Unidos en Acción) said that the United States Government had never overtly acknowledged its control over Puerto Rico, and had instead been taking carefully thought-out steps to create the false impression in the community about the role it was playing in the political, economic, social and cultural lives of Puerto Ricans.

115. Puerto Rico, like Iraq, had been subjected to military aggression. Both countries had become the victims of disinformation and fantasy on the part of intelligence services, which had misled international public opinion. In the case of Puerto Rico, disinformation was being used to put the idea of independence under the heading of illegal ideas.

116. The Government of the United States had introduced laws on the enlistment of Puerto Ricans in the United States Army.

117. Most United States Administrations had encouraged the policy of military expansion. The United States was in a state of war with the entire world, a war that was being waged "in the name of democracy and freedom". Most of the nations of the world did not associate the United States with the concept of "freedom"; it was a distant and terrible enemy bringing war, hunger, fear and destruction.

118. The aim was to secure the return of Vieques, to clean up its contaminated shoreline and bring to an end the diseases caused by the use of chemical artillery shells by the military. It was essential for Vieques to be visited by United Nations inspectors.

119. In the light of the current situation, the work of the Special Committee which had new problems to resolve, acquired increasing importance. The people of Puerto Rico were facing conditions that were incompatible with the norms of international law accepted by all countries, including the United States. The Government of the United States had used its influence to ensure that the question of Puerto Rico was not included in the agenda of the United Nations and was doing everything possible to impede the attainment by the people of Puerto Rico of their sovereign rights.

120. The Special Committee bore a particular responsibility to shed light on the real situation of Puerto Ricans through resolutions, to promote the spread of information about Puerto Rico among the world community, to exert pressure on international institutions and mechanisms and to ensure the attainment of basic human rights such as the right to freedom and the right to a sovereign government which would take decisions affecting the destiny of Puerto Rico. The Special Committee should appeal to the Government of the United States to respect international legal standards which were essential for all sovereign States.

121. *Mr. Rivera withdrew.*

122. *At the invitation of the Chairman, Mr. Adames (Al Frente) took a place at the petitioners' table.*

123. **Mr. Adames** (Al Frente) said that, despite the fact that the Constitution of the United States had enshrined the principle of non-discrimination, there was in fact scandalous discrimination of historic proportions in relation to an entire country and a people — Puerto Rico and the Puerto Ricans.

124. The discriminatory formula "a free associated State" applied to Puerto Rico which gave the territory of Puerto Rico certain rights of states of the United States of America placed upon it or the obligations of states of the Union. Whereas the majority of states of the Union had achieved the highest level of development, the territory of Puerto Rico was condemned to a low level of development and even to poverty, and the inhabitants of Puerto Rico had become second-class citizens.

125. Meanwhile, the military authorities of the United States were using Puerto Rico for their own purposes, like any other state of the Union in accordance with the needs and requirements of the country and more Puerto Ricans had laid down their lives for the United States than people from many other states of the Union.

Moreover, more Puerto Ricans than citizens of many other states of the Union were currently serving in the Army, the National Guard and the police of the United States. A paradoxical situation had come about with respect to Puerto Rico whereby when Puerto Ricans went to live in other states of the Union they enjoyed full civil rights, but on return to Puerto Rico they lost those rights.

126. In spite of the fact that Puerto Rico was virtually a state of the United States, political and economic interests hostile to Puerto Rico were opposed to recognition of the legal rights of Puerto Ricans and even wanted to expel Puerto Rico from the Union. It was significant that in Puerto Rico referendums had been required even though many other states had been incorporated without a referendum.

127. He pointed out that, as a result of the referendum, those in favour of incorporation with the United States with state rights and those in favour of the status of a free associated state — two essentially identical alternatives apart from the fact that they were supported by two opposing parties each intent on pursuing its own political ambitions — had each received over 40 percent of the votes, amounting to over 90 per cent of electoral votes overall. As for the opponents of granting the territory the status of a state of the Union, despite the fact that they had been unable to muster even 3 per cent of the votes, they invariably demanded the holding of a further plebiscite, forgetting that they were thus risking the expulsion of Puerto Rico from the Union.

128. Despite the stubbornness of the enemies of Puerto Rico, the process of transforming Puerto Rico into a state of the United States continued and there was no way back since it would be catastrophic to break the link with the United States.

129. There was only one solution to the question of Puerto Rico, namely to declare the territory of Puerto Rico a state of the United States with all the consequences that flowed therefrom.

130. *Mr. Adames withdrew.*

131. *At the invitation of the Chairman, Ms. Rexach (National Advancement for Puerto Rican Culture) took a place at the petitioners' table.*

132. **Ms. Rexach** (National Advancement for Puerto Rican Culture) said that, in the view of her organization, one of the best means of attaining peace was to unite people through their cultures.

133. It was well known that Puerto Rico had a clearly colonial status whereby over 3 million United States citizens were disenfranchised. In Puerto Rico itself a number of efforts to resolve the status problem had already been made. The most relevant of them was the plebiscite of 1988 although, under pressure from the Popular Democratic Party, a fifth option had artificially been included on the ballot. It was also worth pointing out that the Popular Democratic Party was supported by the Puerto Rican Independence Party since it was the only one that recognized that only a party in favour of granting Puerto Rico the status of a state of the Union could win in a referendum or plebiscite.

134. The leaders in favour of the "free associated state" option were deluding the population with the obviously impossible prospect of improving on Puerto Rico's current status. The Popular Democratic Party was now talking about convening a constituent assembly. The party which was in favour of state-of-the-union status was proposing the holding of a further referendum but that would not provide a solution because of the actions of those in favour of retaining the current status, or in favour of independence.

135. She said that her organization recognized that to proclaim Puerto Rico the fifty-first state of the Union was the only possible solution. In 1917, the United States Congress had given Puerto Ricans United States citizenship without giving them the right to participate in presidential elections or to be represented in the adoption of laws applying to them. By decision of the Congress, thousands of Puerto Ricans had gone to their deaths on the battlefields in five major conflicts. The Congress had a moral and legal obligation to conclude what it had begun and to declare Puerto Rico the fifty-first state. The United States had adopted Puerto Rico which loved its adoptive parents and did not wish to be separated from them.

136. *Ms. Rexach withdrew.*

137. *At the invitation of the Chairman, Ms. Vélez Mitchell (Primavida) took a place at the petitioners' table.*

138. **Ms. Vélez Mitchell** (Primavida) said that she represented an organization for the arts of the theatre.

139. Since 1898 the United States had changed from being the enemy of Puerto Rico to being its friend,

particularly now after ending military training on Vieques. Puerto Rico was struggling to retain its national dignity, whether that was under its current status or as one of the states of the Union of the United States.

140. Puerto Ricans believed in the ideas of Christian brotherhood. Puerto Rico had become home for Dominicans and Cubans, as well as for Haitians and Muslims deported from the United States. The influx was so great that there were insufficient jobs for Puerto Ricans.

141. Millions of courageous sons and daughters of Puerto Rico had fought for the United States on the battlefield. Puerto Rican women had on four occasions been elected Miss Universe and twice Miss World. It would be impossible to enumerate all the Puerto Rican writers, actors, artists and creative people. Puerto Ricans in the United States were the second largest minority, actively participating in the life of society. On 8 June 2003 a parade of honest and hardworking citizens of Puerto Rico had taken place in New York.

142. Many Dominicans, Cubans, Colombians and others were now living in the United States; each of those nationalities had its own culture and their representatives should be referred to in appropriate fashion rather than being labelled "Hispanics". When the mass media gave information about "Hispanic" lawbreakers, the erroneous impression was often created that the reference must be to Puerto Ricans. Nonetheless, racial diversity in Puerto Rico was as great as in the United States.

143. She taught poetry in State schools, and through poetry she taught her pupils to respect themselves, other people and life itself, as well as to honour their teachers. She did not believe that any of her pupils would take the wrong path.

144. *Ms. Vélez Mitchell withdrew.*

145. *At the invitation of the Chairman, Mr. Muriente Pérez (New Independence Movement of Puerto Rico) took a place at the petitioners' table.*

146. **Mr. Muriente Pérez** (New Independence Movement of Puerto Rico) said that for the past four years the people of Puerto Rico had been stepping up the struggle against foreign military occupation. The struggle had placed the emphasis on demilitarization and ending the United States Navy's military manoeuvres and bombings on Vieques island. Those efforts had yielded results. The United States Government had stated that as of 1 May 2003 it was ending its bombings and other military activity on the island. However, that did not mean that total victory had been achieved, since the island's land had been transferred to the jurisdiction of the United States Department of the Interior and the United States Fish and Wildlife Service, rather than to the people of Puerto Rico.

147. There was still the huge and complicated problem of cleansing the land of toxic materials which had been causing cancers as well as pulmonary and skin disorders. It was therefore necessary to ensure the sustainable and balanced socio-economic development of Vieques.

148. The United States Government had mobilized thousands of Puerto Ricans to take part in the aggression against Iraq. Although the majority of Puerto Ricans had not wanted to take part in that aggression, once again the United States had imposed its colonial will.

149. In the not-too-distant future the question of the colonial status of Puerto Rico would be considered by the General Assembly. The United States must fulfil its obligations and create the opportunities for the decolonization of Puerto Rico.

150. Noting that the country was prepared to wage a struggle for its independence and culture, he expressed the hope that the Committee would recognize Puerto Rico's right to fight for self-determination and independence.

151. *Mr. Muriente Pérez withdrew.*

152. *At the invitation of the Chairman, Ms. Reverón Collazo (Comité Puerto Rico en las Naciones Unidas) took a place at the petitioners' table.*

153. **Ms. Reverón Collazo** (Comité Puerto Rico en las Naciones Unidas) said that in the past ten years the people of Puerto Rico had achieved successes thanks to the efforts of her Committee. The administering Power had heeded her Committee's views concerning the release of many Puerto Rican patriots from prison.

154. The United States Navy had left Vieques on 1 May 2003. As a result of the joint struggle of the island's residents and the entire Puerto Rican people, steadfast international solidarity and the demands of the Special Committee in the light of the campaign of

civil disobedience, it had been possible to put an end to the annihilation of defenceless people. Vieques was a most persuasive example of what could be achieved when people united and set aside their ideological, political, religious, cultural, racial and economic differences. However, more effort would be needed over many more years before the sustainable economic development of Vieques could be achieved. That would require cleaning up the land and returning it to its original owners — the residents of Vieques. The bulk of the territory from which the Navy had withdrawn remained at the disposal of the United States Government.

155. The people of Puerto Rico were against the introduction of the death penalty by the United States Government, which had taken a decision against the wishes of the Puerto Rican people to implement in Puerto Rico the federal law on the death penalty for crimes under federal legislation that had been committed in Puerto Rico. That was a violation of Puerto Rico's right to self-determination. The United States Government was in breach of international agreements to which it was a Party. It was regrettable that colleagues in the United States legal system at federal, state and local levels did not know their obligations under the International Covenant on Civil and Political Rights.

156. After 103 years of colonial domination by the United States the people of Puerto Rico had not ceased their pursuit of a definitive legal and peaceful solution.

157. Today there was a threat not only to implementation of the right to sovereignty of peoples living in conditions of colonialism but also to the sovereignty of independent sovereign States. The occupation of Afghanistan and Iraq and the intimidation of the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Syrian Arab Republic and the Libyan Arab Jamahiriya represented a danger to the world order and an infringement of the right to self-determination of peoples. The Comité Puerto Rico en las Naciones Unidas was decisively against the interventionist policy directed chiefly at Cuba, whose people had for many years unreservedly spoken out in defence of the rights of the people of Puerto Rico to self-determination and independence. She expressed appreciation to the delegation of Cuba for having submitted the draft resolution, which reflected the aspirations of the people of Puerto Rico.

The meeting rose at 1 p.m.

United Nations A/AC.109/2003/SR.6

General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 6th meeting
Held at Headquarters, New York, on Monday, 9 June 2003, at 3 p.m.

Chairman: Mr. Huntley ..... (Saint Lucia)

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Any corrections to the record of this meeting and of other meetings will be issued in a corrigendum.

03-38884 (E)

The meeting was called to order at 3.20 p.m.

Adoption of the agenda

1. *The agenda was adopted.*

Special Committee decision of 10 June 2002 concerning Puerto Rico (*continued*)
(A/AC.109/2003/L.3 and L.7)

Hearing of petitioners

2. *At the invitation of the Chairman, Mr. Colón Martínez (Congreso Nacional Hostosiano) took a place at the petitioners' table.*

3. **Mr. Colón Martínez** (Congreso Nacional Hostosiano) said that the colonial nature of the Puerto Rican situation had been made abundantly clear in more than 20 resolutions adopted by the Special Committee, each of which had been noted by the General Assembly. However, in its intransigence and arrogance, the Government of the United States of America continued to disregard both the appeals of the General Assembly and Article 73 of the Charter of the United Nations. The United States Government had retained control over the Puerto Rican people through an active policy of fomenting divisiveness among them. Now, after 100 years of United States domination and with the solidarity of the Special Committee, the Puerto Rican people would exercise self-determination by convening a constituent assembly or some other mechanism to determine their future status. Two draft resolutions had recently been placed before the Puerto Rican House of Representatives and Senate respectively, calling for a constituent assembly, and each was supported by the three major political parties.

4. At a time of political ambiguity in Puerto Rico, greater international support and General Assembly involvement were vital. He urged the Special Committee, which had always been effective in advancing their cause, to adopt a resolution reaffirming the commitment of the United Nations to the decolonization of the island.

5. *Mr. Colón Martínez withdrew.*

6. *At the invitation of the Chairman, Mr. Calero (Political Rights Defense Fund) took a place at the petitioners' table.*

7. **Mr. Calero** (Political Rights Defense Fund) said that, over the past six months, he had been fighting the United States Government's attempts to deport him, revoke his permanent residency and deny him the right to live and work in the United States. Following a public campaign in his behalf and an immigration judge's ruling that he was "not deportable", he had been arrested by the immigration police at the Houston airport on his return from an assignment in Mexico and Cuba for the Spanish-language magazine *Perspectiva Mundial*. The Róger Calero Defense Committee had been formed in response to the threat of the immigration police to deport him to Nicaragua and had gained the support of union leaders, defenders of immigrant workers' rights and advocates of journalists' rights.

8. After his release from jail, the same defence campaign had organized a speaking tour, on which he had visited more than 20 cities in the United States and learned that tens of thousands of immigrant workers faced similar problems.

9. Just as daily factory raids by the immigration police were aimed at the exploitation of workers, Washington's colonial rule over Puerto Rico reinforced the racist discrimination promoted by employers and the Government of the United States. He deplored attempts to use the death penalty in Puerto Rico, which was barred even by the colonial constitution, and the efforts of the Federal Bureau of Investigation (FBI) to frame Puerto Rican union leaders and independence fighters as well as working-class militants in the United States. Experience had shown that United States workers fighting exploitation and oppression by factory bosses and the Government were also the most sympathetic to the struggle against United States colonial rule over Puerto Rico. His own victory against the immigration police was a weapon that could help others to defend their rights. On his next tour around the country and abroad, he would be appealing for the release of all Puerto Rican political prisoners.

10. *Mr. Calero withdrew.*

11. *At the invitation of the Chairman, Mr. Koppel (Partido Socialista de los Trabajadores (Socialist Workers Party)) took a place at the petitioners' table.*

12. **Mr. Koppel** (Partido Socialista de los Trabajadores (Socialist Workers Party)) hailed the withdrawal of the United States Navy from Vieques Island as a victory over imperialism. The battle for

Vieques highlighted the continuing colonial rule over Puerto Rico by the United States, or rather by a handful of billionaire ruling families who profited from exploiting Puerto Rican labour, land and resources and were the common enemy of both the Puerto Rican people and the working class in the United States. The United States Government had repeatedly used Puerto Rico as a base for launching attacks against other countries — Granada, Yugoslavia and, most recently, Iraq. The opposition of Puerto Rican youth to the United States draft in previous wars and to the use of university campuses by the Reserve Officers Training Corp had set an example for young people in the United States. Today, the war in Iraq and the threats against the Islamic Republic of Iran and the Democratic People's Republic of Korea were less a reaction to the events of 11 September 2001 than another manifestation of the same imperialism by which it had taken over Puerto Rico, Cuba, the Philippines and Guam a century earlier. The so-called war on terrorism was merely a justification for using military might around the world to salvage a declining imperialist world order.

13. The war on terrorism and homeland defence were also a pretext for United States employers to step up their assault on workers and farmers at home. The selective "registration" of immigrants from Middle Eastern and South Asian countries and mass deportations were a means of cracking down on broader working-class resistance. Some 2.7 million working-class Puerto Ricans in the United States faced systematic discrimination and had second-class status.

14. The colonial domination of Puerto Rico gave Washington a freer hand to attack the rights of working people. Five Puerto Rican patriots remained locked up in United States prisons for expressing their ideas and carrying out actions in support of Puerto Rico's independence. Of those five — Oscar López Rivera, Juan Segarra Palmer, Haydée Beltrán, Carlos Alberto Torres and Antonio Camacho Negrón — the last had been rearrested two months earlier. Some of them, jailed for almost a quarter century, were among the longest-held political prisoners in the world. Similarly, five Cuban revolutionaries were serving draconian sentences under trumped-up charges; their real "crime" had been to obtain information on counter-revolutionary groups that, operating from United States territory, launched attacks against Cuba with the full knowledge and complicity of the United States Government. Like the Cuban revolutionaries, Puerto Rican independence fighters were subjected to wiretapping and surreptitious searches of their homes. They were denied the right to a fair trial and charged with "conspiracy".

15. Under the pretext of drug control and counter-terrorism, Washington had also expanded its construction of semi-secret bases and its military intervention in Colombia, Ecuador and the triple-border area of Paraguay, Brazil and Argentina. The Cuban people, however, by freely choosing the socialist path and showing that it was possible to win genuine independence from United States domination had set an example for Puerto Rico and the working people of the United States.

16. *Mr. Koppel withdrew.*

17. *At the invitation of the Chairman, Mr. Rosa Pérez (Comité Pro Derechos Humanos (Puerto Rico Human Rights Committee)) took a place at the petitioners' table.*

18. **Mr. Rosa Pérez** (Comité Pro Derechos Humanos (Puerto Rico Human Rights Committee)) thanked the Committee for its many resolutions which had helped lead to his release from prison in 1999. Meanwhile, the effects of over 100 years of colonization were manifested daily in the lives of the working class exploited by multinational corporations, residents of Vieques whose family members had died in Navy bombings or from cancer, and the thousands of *independentistas* who had been persecuted, incarcerated or assassinated by Puerto Rican police and the FBI. While the halt to navy bombings on Vieques Island and the release of 11 political prisoners, including himself, were clear triumphs, five persons remained in prison and some of them were not scheduled for release until 2027. Since the events of 11 September, threats to their physical and political integrity had increased under the guise of "anti-terrorism". At times, they had even been removed from the general prison population and arbitrarily placed in isolation.

19. He read out a message from Oscar López Rivera, written from the maximum-security penitentiary at Terre Haute, Indiana. In his statement, Mr. López Rivera said that, although the political discourse of President Bush gave the impression that the United States "handed out freedom and democracy left and right", it had been more than a century since the United

States empire had arrived with cannons and rifles to offer "freedom and democracy" to Puerto Ricans. For 104 years, the struggle of the Puerto Rican people to break the chains of colonialism had been met with persecution, repression, imprisonment, exile and death. In the past four years, more than 1,000 Puerto Ricans and some non-Puerto Ricans struggling to oust the United States Navy from Vieques had been imprisoned in the United States by order of the United States Court in Puerto Rico. On 1 May, thanks to a struggle that had lasted more than 60 years, the Navy had withdrawn; however, in its characteristic arrogance, the United States Government had refused to deliver the lands to the people of Vieques because it was unwilling to decontaminate the surroundings or compensate victims of the Navy's criminal and noxious activities. That meant that the struggle in Vieques was not over. The Puerto Rican people would continue to fight for their rights on Vieques, in Puerto Rico and in the Puerto Rican diaspora at any cost.

20. *Mr. Rosa Pérez withdrew.*

21. *At the invitation of the Chairman, Mr. Gabriel (Hostos Puerto Rican Club at Hunter College) took a place at the petitioners' table.*

22. **Mr. Gabriel** (Hostos Puerto Rican Club at Hunter College) said that there were currently over 3.5 million Puerto Ricans living in the United States. They were one of the poorest and most disenfranchised ethnic groups, and were often the victims of economic exploitation and social and political repression. Puerto Ricans were grossly overrepresented in the fighting units of the United States military and in the prison system.

23. The condition of Puerto Ricans in the United States was undeniably connected to the colonial relationship between the two countries. Puerto Ricans had been economically displaced for decades, and the natural resources of their homeland had been misused by the imperialist Power. The economy of the island had been structured in order to serve American corporate and government interests rather than those of its own people, and therefore many thousands of Puerto Ricans had been forced to migrate to the United States in order to find employment. However, the colonial reality of Puerto Ricans on the island was transplanted to the United States: immigrants faced racism and limited employment and educational opportunities. Health-care and school systems in Puerto Rican communities were neglected and underfunded and, as a consequence, the majority of Puerto Ricans were stuck in a cycle of poverty.

24. Puerto Ricans would continue to fight for their human rights and self-determination for as long as their oppression continued. He urged the Committee to reiterate the need for the decolonization of Puerto Rico.

25. *Mr. Gabriel withdrew.*

26. *At the invitation of the Chairman, Mr. Melé (65th Honor Task Force) took a place at the petitioners' table.*

27. **Mr. Melé** (65th Honor Task Force), noting that he represented a coalition of American soldiers favouring the decolonization of Puerto Rico, said that Puerto Rican soldiers had fought as part of the United States Army on the battlefields of Europe, Korea and Viet Nam. They had paid with life and limb for the freedom enjoyed by current generations of Americans and, most recently, had risked their lives to liberate the people of Iraq from the grip of tyranny and allow them an opportunity to exercise their right to self-determination. It was therefore all the more unjust that citizen-soldiers who served a nation with honour and courage were denied the right to cast a vote to elect their own commander-in-chief, namely the President of the United States.

28. He urged the United States Government to grant the people of Puerto Rico the right to self-determination so that they could decide for themselves how best to adapt their country to the geopolitical challenges of the new century.

29. *Mr. Melé withdrew.*

Draft resolution A/AC.109/2003/L.7

30. **Mr. Rodríguez Parrilla** (Cuba), introducing draft resolution A/AC.109/2003/L.7, said that, as in previous years, the draft resolution reaffirmed the inalienable right of the people of Puerto Rico to self-determination and independence in conformity with General Assembly resolution 1514 (XV) and reiterated that those people constituted a Latin American and Caribbean nation that had its own unequivocal identity.

31. Previous resolutions had urged the Government of the United States to put an end to military manoeuvres on Vieques Island and, just a few weeks

previously, to the great satisfaction of the people of Puerto Rico and all those who participated in the wide campaign of international solidarity, the United States Marines had indeed stopped its bombings and exercises. However, the departure of the Marines from Vieques Island should be accompanied without delay by the devolution to the people of Puerto Rico of the territories previously used in military manoeuvres and still occupied by the United States Department of the Interior.

32. Over 60 years of bombing had polluted the soil, water and the beaches of Vieques Island, thereby damaging the local economy and putting the health of the population at risk. Consequently, decontaminating the island was a matter of some urgency.

33. The draft resolution reiterated the request to the President of the United States to release all Puerto Rican political prisoners serving sentences in United States prisons for cases related to the struggle for the independence of Puerto Rico. It also noted that the final document of the Thirteenth Summit of the Heads of State or Government of the Movement of Non-Aligned Countries also reaffirmed the right of the people of Puerto Rico to self-determination and requested the Special Committee to continue pursuing the issue.

34. **Mr. Blanco** (Venezuela) said that he wished to reiterate his support for the inalienable right of the people of Puerto Rico to self-determination. The draft resolution presented a balanced account of the relevant facts, and he urged the Committee to adopt it by consensus.

35. *Draft resolution A/AC.109/2003/L.7 was adopted without a vote.*

36. **Mr. Rodríguez Parrilla** (Cuba) said that draft resolution A/AC.109/2003/L.7 was the twenty-second draft resolution concerning Puerto Rico to be adopted and should be viewed as a practical tool rather than a mere formality. It should pave the way for the Puerto Rican people to exercise their inalienable right to self-determination and independence.

37. He expressed his appreciation to the representative of the United States for attending the meeting and reiterated that the Committee was in favour of dialogue and cooperation with all administering Powers. The resolution should serve as a valuable aid to the United States authorities, which had accepted the fact that a debate on the issue of Puerto Rico was necessary.

38. The resolution clearly stated the urgent need for the decontamination of certain areas of Vieques Island. The economic, social and health-care needs of the island's inhabitants must also be addressed. He hoped that, during the Second International Decade for the Eradication of Colonialism, the people of Puerto Rico would finally be able to enjoy the exercise of their right to self-determination.

The meeting rose at 4.15 p.m.

United Nations A/AC.109/2003/SR.7

General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 7th meeting
Held at Headquarters, New York, on Thursday, 12 June 2003, at 10 a.m.

Chairman: Mr. Huntley ..... (Saint Lucia)

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03-39502 (E)

The meeting was called to order at 10.30 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Requests for hearing (aides-memoires 12/03 to 14/03)

2. **The Chairman** drew attention to aides-memoires 12/03 to 14/03 in which there were a number of requests for hearing relating to the questions of the Falkland Islands (Malvinas), Anguilla and the Cayman Islands. If there were no objections, he would take it that the Committee wished to grant those requests.

3. *It was so decided.*

Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands (A/AC.109/2003/1, 2, 4, 5, 8, 9, 11-13, 15 and 16)

Hearing of a representative of a Territory

4. **The Chairman** informed the Committee that a representative of the Government of the United States Virgin Islands had requested that he be granted the opportunity to address the Committee on the agenda item under consideration. If there were no objections, he would take it that the Committee wished to accede to that request in accordance with established practice.

5. *It was so decided.*

6. **Mr. Corbin** (Government of the United States Virgin Islands) said that the creation of a system of political education in the Territories played an important role in their development process. The population of the Territories required reliable and unbiased information about the alternatives for political equality. The implementation of General Assembly resolutions on the facilitation of programmes of political education in the Territories in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options based on the principles clearly defined in General Assembly resolution 1541 (XV) was of critical importance.

7. It would be useful to ascertain the degree to which the dissemination of information on decolonization actually reached the people for which it was intended. It appeared evident that the information had not reached its intended audience. The process would be assisted if the Territories were included in the coverage of the United Nations information centres and also if the information on the decolonization web site was updated and expanded more frequently. Assistance should be provided to the Governments of Territories in formulating their own political education processes. The medium-term plan for the period 2002-2005 envisaged the promotion of a publicity campaign on decolonization, and he hoped that a comprehensive programme in that regard would be forthcoming by the end of that period.

8. An effective programme for disseminating information was especially important in that in many small Territories initiatives were under way to modernize their models of governance. The Committee might consider providing information on examples of those models currently in existence.

9. Implementation of the resolutions on decolonization was of crucial importance for a successful process leading towards the achievement of full internal self-government for the Territories. He shared the concern expressed regarding the lack of implementation of major provisions of the Plan of Action for the First and Second International Decades for the Eradication of Colonialism, especially the two analytical studies on the situation in the Territories themselves. If the United Nations was to carry out its mandate, the main emphasis had to be put on implementation of its resolutions on decolonization by the United Nations machinery.

10. In that connection, he applauded the inclusion in the resolution on small island States of the request to the Secretary-General to report to the General Assembly on the implementation of decolonization resolutions since the Declaration of the International Decade for the Eradication of Colonialism.

11. He commended the seminar the Committee had held in Anguilla. Its recommendations reaffirming many of the conclusions of previous seminars were of great importance. It was cause for satisfaction that the United Kingdom had participated in the work of the seminar.

12. The Committee should consider making a recommendation to the General Assembly that it simplify its name by changing it to "Special Committee on Decolonization". However, that should not mean any change in its mandate.

13. He suggested that the Committee should also consider recommending to the General Assembly that it change the title of the agenda item "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by specialized agencies and the international institutions associated with the United Nations" to "Assistance to the Non-Self-Governing Territories from the United Nations system".

14. **The Chairman**, referring to points made by the previous speaker, said that it had been agreed that representatives of the Committee would have a meeting with officials of the Department of Public Information in the near future. That meeting would be devoted to the presentation of information to the Non-Self-Governing Territories. As for changing the name of the Committee, the matter was already being dealt with and the Secretariat was preparing a draft resolution to be submitted to the General Assembly at its fifty-eighth session.

Hearing of petitioners

15. **The Chairman** reminded the Committee that earlier in its current session it had decided to grant a number of requests for hearing on the agenda item under consideration.

16. *At the invitation of the Chairman, Ms. Fleming-Banks (Anguilla National Trust) took a place at the petitioners' table.*

17. **Ms. Fleming-Banks** (Anguilla National Trust) thanked the Committee for having held the regional seminar on decolonization in Anguilla. The people of Anguilla had regarded it as recognition of their efforts to achieve self-determination. In 1967, when Anguilla's status had been that of a State associated with the United Kingdom, with full internal self-government, a referendum had been held in which the inhabitants of the island had voted for independence from Saint Kitts and had announced their intention to explore the status of associated statehood or another arrangement of freedom and local autonomy within the Commonwealth.

18. In 1975 Anguilla had gained its own Constitution as an Associated State, and that had been predicated on an agreement between the Government of the United Kingdom and the Government of Anguilla which had stipulated that the latter's further constitutional advance would be implemented in accordance with its own wishes. The cornerstone of that agreement had been the undertaking on the part of the Government of the United Kingdom to contribute to the development of Anguilla's economy, its social sector and its political institutions, with the objective of creating the necessary preconditions for achieving full self-government, which had been the aspiration of the people of Anguilla since time immemorial. The partnership relations between the Government of the United Kingdom and Anguilla had worked fairly well for some time.

19. However, in 1982 and 1990 changes had been made to the Constitution of Anguilla which were regressive rather than progressive in nature. The culmination of that regressive trend in Anguilla's constitutional arrangements had been the proposal contained in the so-called "Rifkind letter" regarding further retrenchment of the powers of the local arm of government and extension of the existing powers of the Governor. Anguillans believed that the spirit and intent of that letter remained valid. In the 1999 White Paper entitled "Partnership for Progress and Prosperity" (see annex to document A/AC.109/1999/1), the relationship between the Government of the United Kingdom and Anguilla had been defined as a "partnership based on self-determination".

20. According to the White Paper, the United Kingdom had reclassified its dependent Territories as "Overseas Territories", and without consultation had announced that Anguilla had opted to continue the constitutional link, thus implying that it had completed its colonial responsibilities by allowing Anguilla to exercise its right to self-determination. Within the framework of the Partnership Agreement, the United Kingdom had to "uphold the right of the individual Territories to determine their own future and to enjoy a high degree of autonomy and to exercise the greatest possible control over their own lives". However, subsequent events had given cause to question the commitment of the Government of the United Kingdom to such a "partnership" and its readiness to respect the fundamental rights of the people of Anguilla, in particular their right to self-determination.

21. Administration in the island was by Orders in Council, which ruled out any guarantees of respect for the population's fundamental rights. In spite of a promise to restore permanent status to a large part of the population which had lost it as a result of the changes in British citizenship laws, that had not been

done. Instead, the Government of the United Kingdom had granted a section of the population of Anguilla mandatory British citizenship, although that had been done without any consultation with the people of Anguilla. In fact a petition had been sent to the Prime Minister of the United Kingdom requesting that consideration of the bill be deferred until the people of Anguilla had studied all the implications of enforced British citizenship. However, so far no reply had been forthcoming.

22. Contrary to the spirit of partnership, the Government of the United Kingdom had imposed legislation upon Anguilla in the financial services sector. The tough legislation in force in Anguilla curtailed civil liberties and denied the full benefit of due process before the courts. Homosexuality had been decriminalized by an Order in Council without regard for the wishes of the people of Anguilla. The issue of reciprocity of the right of abode attendant upon the enforced British citizenship, which posed a threat to the security and survival of the cultural uniqueness and homogeneity of Anguillans as an island people, had not been resolved. Currently, the legislative powers of the Governor were being systematically expanded and the constitutional competence of the legislative body was being eroded, while the constitutional legislative authority was being subverted by executive legislative power.

23. The requirement that reports should be submitted to the human rights treaty bodies should serve as an additional guarantee that those rights would be observed. In Anguilla that duty was now vested in the Attorney-General, with the result that the mechanism for reporting had lost any effectiveness it might have had since it was precisely the State which was the violator of human rights. The inhabitants of Anguilla had no knowledge of what the reports contained, although they certainly knew that violations were being committed.

24. Whatever Anguilla was called — whether a colony, a British Dependent Territory or a British Overseas Territory — the essence of the relationship remained the same: a relationship characterized by the unequal exercise of authority by the administering Power over an administered Territory. The people of Anguilla viewed the relationship between Anguilla and the United Kingdom as essentially colonial and therefore fully within the purview of the Committee. One of the most important objectives now was fully to prepare the people of Anguilla to assume the responsibilities of constitutional advancement in preparation for the eventuality of political independence. "Partnership for Progress and Prosperity" had initiated a constitutional and electoral reform review, which should lead to a constitutional instrument tailored to the aspirations and will of the people of the Territory. However, the Government of the United Kingdom had cautioned that the reform proposals had to be formulated in the light of its own international obligations. The Committee must advise the Government of the United Kingdom that its overriding international obligation was to respect the right to self-determination.

25. Turning to the regional seminar, she said it had played an enormous educational role since it had enabled the people of Anguilla to gain information about all the self-determination options set out in General Assembly resolution 1541 (XV). She expected the Government of the United Kingdom to accept the results of the initiative for constitutional and electoral reform and to refrain from imposing any ultimatums that would in effect erode the Anguillan people's right to choose. In the interim, the existing partnership must be honoured. The highest priority must be given to human resources development and capacity-building, so that the rationale for expanding the powers of the Governor and his staff was removed. The Government of the United Kingdom had found it expedient to confer European citizenship on the people of Anguilla, and also intended to extend to Anguilla some of the international human rights agreements ratified by the United Kingdom. In that connection, she made reference to article 1.1 of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and to paragraph 2 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which it was stated that all peoples had the right of self-determination and that by virtue of that right they freely determined their political status and freely pursued their economic, social and cultural development. The administering Power must now review its ratifications and reservations and other international agreements to ensure that the interests of all the citizens of Anguilla, and especially children's rights, were secured.

26. The responsibility of the administering Power must go further than merely satisfying the basic needs of the population, and must include preparing the

people for full independence in a world poised to harness all forms of knowledge to alleviate the economic situation and strengthen democracy. That meant preparing Anguilla for integration into the world economy in an era of globalization by establishing systems of good governance as a prerequisite for sustainable development; ensuring that the people of Anguilla were trained to participate in the negotiating process and benefit from the terms of the Cotonou Agreement, as well as the conditions imposed by the World Trade Organization and the Organisation for Economic Cooperation and Development; and preparing the people of Anguilla to participate fully in the regional integration movement without fear of losing the gains that had been fought for and without having norms imposed which were alien to Anguillan culture.

27. The people of Anguilla protested strongly against administration by Orders in Council, that required no discussion in a legislative body, since such Orders by their very nature denied the people of the Territory their much cherished right to self-determination.

28. Analysis of the experience of former Caribbean colonies had shown that they had been ill-prepared to undertake the responsibilities of sovereign States. That conclusion had compelled Anguilla to demand a strengthening of the obligations of the Government of the United Kingdom to enable Anguilla to determine an agenda and time frame for independence. She hoped that in the remaining years of the Second International Decade for the Eradication of Colonialism, Anguilla and the United Kingdom, with the Committee's assistance, would be able to invigorate the spirit of partnership and give their relationship a new character. That new relationship must be characterized by equity, transparency, accountability and trust.

29. The Committee, in turn, must give the inhabitants of the Territory opportunities for training and employment that would enable them to become familiar with the processes of effective governance. The peoples of the Overseas Territories must have the opportunity to take part in United Nations forums in their own right, as their interests did not always coincide with those of the European Union, of which the United Kingdom was a member.

30. In her opinion, in order to advance the process of eradication of colonialism, the Committee must establish a continued presence in the Territory. Anguillans were keen to maintain a dialogue with the Committee, and in that connection welcomed its current initiatives. It was gratifying that the Committee had promised to do more than merely inform, educate and pass resolutions on decolonization, and intended to play a more proactive role in promoting the decolonization process. In conclusion, she said that the discussions that had been held during the regional seminar had been of great importance to the people of Anguilla and had caught the attention of the administering Power. In its future activities, the Committee should capitalize on the successful outcomes of the seminar held in Anguilla. She urged that discussions should begin as soon as possible on existing constitutional frameworks, the information dissemination and educational programmes and visiting missions.

31. **The Chairman** noted with satisfaction that the Caribbean regional seminar held in Anguilla had produced such a response in the island. For its part, the Committee would adhere to the programme of work agreed on at the seminar.

32. **Mr. Ovia** (Papua New Guinea) wondered whether any work had been done in Anguilla on explaining the various self-determination options to the population. He also asked the petitioner to amplify what she had said about British citizenship.

33. **Ms. Fleming-Banks** (Anguilla National Trust) explained that in the White Paper, Anguilla had simply been given the choice between maintaining the status quo and independence. After the seminar, informal discussion had begun of the other options. There had so far been no official response from the administering Power, but unofficially the Anguillans had been given to understand that the free association option, for example, did not suit the United Kingdom. No educational work had been undertaken by the administering Power. In that regard the seminar had been very useful, and that included the fact that a British representative had been present, and in his own words had learned at first hand the real views of Anguillans on the self-determination options.

34. As for the question of citizenship, the British representative had said at the time of the seminar that the United Kingdom had already given maximum guarantees with regard to granting British citizenship, including the question of reciprocity. She pointed out, however, that the situation could change in the future due to the administering Power's international obligations, including those in the European Union.

Anguillans would not want their interests to be swept aside by the course of events.

35. **The Chairman** pointed out that one of the seminar's results had been the United Kingdom's involvement in dialogue with the Committee on a broadening circle of issues, including the issue of which self-determination options administering Powers were obliged to offer to Non-Self-Governing Territories.

36. **Mr. Tanoh-Boutchoué** (Côte d'Ivoire) asked about civil society's contribution to the "baggage" the representatives of the Anguillan executive authority had taken to their meeting in London with United Kingdom representatives on the constitutional structure of the Territory in the framework of the partnership between the administering Power and its Overseas Territories.

37. **Ms. Fleming-Banks** (Anguilla National Trust) said that unfortunately many decisions affecting Anguilla were not taken on the basis of the partnership but were "passed down" by way of British Orders in Council. That had been the case, for example, with the questions of citizenship and the legalization of homosexuality. Unfortunately, the influence of civil society on what had been discussed in London had been slight, although there was now a desire to change that situation.

38. The seminar had become a kind of watershed, comparable in significance to the Anguillan revolution of 1967. It had enabled Anguillans, having become aware of their self-determination options, to begin to escape the "intellectual intimidation" on the part of the administering Power, which was insisting on the limited choice it had proposed. For example, before her departure for New York there had been a radio phone-in on the three self-determination options. It was to be hoped that the voice of the Anguillan people would be heard.

39. **Mr. Rodríguez Parrilla** (Cuba) noted that, as had been shown by the seminar and statements from petitioners, the Committee was on the right road. Its work was enabling the peoples of Non-Self-Governing Territories finally to become aware of all the self-determination options, so that eventually they could escape from the yoke of colonialism. He urged the petitioner not to lose hope, especially in light of such positive developments as the United Kingdom's involvement in dialogue with the Committee.

40. **Mr. Ortiz Gandarillas** (Bolivia) said that the case of Anguilla was not unique: the peoples of many Non-Self-Governing Territories were poorly informed about their self-determination options. Only seven years remained before the end of the Second International Decade for the Eradication of Colonialism, so the Committee must urgently intensify its educational work. He asked what the petitioner thought the Committee could do in that respect.

41. **Ms. Fleming-Banks** (Anguilla National Trust) said that both organizational and information support was needed, for example in the conducting of campaigns in the mass media, accessing standard-setting documents, etc. However, the question arose as to the extent to which the Committee's readiness to assist depended on the United Kingdom's desire to continue to participate in a dialogue with it.

42. **The Chairman** reaffirmed the Committee's determination to work with the administering Power on broadening the range of options offered to the Non-Self-Governing Territory. The Committee hoped that, after reaching agreement with the administering Power and the Government of Anguilla, it would be able to organize a visiting mission to the Territory before the end of 2003, which should help in disseminating information and moving the process forward.

43. **Mr. Tanoh-Boutchoué** (Côte d'Ivoire) recalled that at the seminar the representative of the United Kingdom had complained of distortions in several meetings on decolonization issues which had appeared in Anguillan newspapers, but one of the representatives of civil society had pointed out that sometimes the local media simply had no access to information. He wondered why the Department of Public Information did not send out the relevant United Nations Radio programmes to local stations as a way of disseminating information about decolonization. For their part, Anguillan journalists could go directly to the Department for information.

44. **The Chairman** recalled that the Committee would soon be having a meeting with the Department of Public Information specifically on those problems. The Department had admitted that no programmes had yet been produced that were specially intended for the small island Non-Self-Governing Territories.

45. *Ms. Fleming-Banks withdrew.*

46. *At the invitation of the Chairman, Ms. Harris (Chamber of Commerce of the Cayman Islands) took a place at the petitioners' table.*

47. **Ms. Harris** (Chamber of Commerce of the Cayman Islands) emphasized that according to a survey of members of the Chamber of Commerce, they did not support the independence option for the Cayman Islands, since they realized that the Cayman Islands had managed to win the trust of foreign investors largely thanks to the stable political and socio-economic situation in the Territory, which had developed over the period of the United Kingdom's governance, and thanks to the legal system that had been established.

48. After 1999, when the United Kingdom had published the White Paper entitled "Partnership for Progress and Prosperity", in which it was proposed that the Overseas Territories make amendments to their local legislation, specifically with regard to the provisions concerning human rights and the regulation of financial services so as to bring them into line with international standards, the Governor had appointed a Constitutional Review Commission, which had submitted a draft constitution that had already been discussed in the Legislative Assembly and forwarded to the Foreign and Commonwealth Office in London. In spite of the efforts that had been made to involve the public in the process, the Chamber of Commerce and its Constitutional Review Task Force had arrived at the conclusion that some segments of Cayman society were not ready for such a discussion or were uninterested in it, and were unlikely to become involved.

49. It should be remembered that the initiative to review the Constitution had not come from the people of the Cayman Islands but from the United Kingdom Government. After expressing concern about some of the provisions in the draft constitution prepared by the Commission, and also about the way it had been drawn up, the people of the Territory had indicated that in principle they had no objection to the adoption of a bill of rights.

50. The United Kingdom Government had indicated that a number of changes had to be effected in keeping with its "international obligations", even if those changes conflicted with the aspirations of the Territory's population. As a result, all submissions and proposals relating to the Anguillan Constitution had invariably been constrained by limitations imposed by the United Kingdom Government at some stage in their consideration, and therefore had not always accurately reflected the desire of the people of the Cayman Islands.

51. For generations the population of the Cayman Islands had been labouring under the impression that as the people of an Overseas Territory it did not have the inalienable right to self-determination and had believed that the wide-ranging powers of the Governor and his prerogative in appointing the Attorney-General were non-negotiable. In his foreword to the White Paper, the Secretary of State for Foreign and Commonwealth Affairs had stated that "the basis for our partnership must be self-determination", and had given to understand that self-determination presupposed a choice: independence or conforming to the will of the United Kingdom, and the population of the Territory had thought it had no other options.

52. The bill on measures to implement a European Union directive on the taxation of savings income, adoption of which, it was felt, could inflict serious damage on the Cayman Islands' financial sector, had been viewed with great concern in the Islands. The Government of the Territory had taken the United Kingdom Government to the Court of First Instance of the European Communities, with specific reference to the right of the Cayman Islands to request the establishment of a partnership working party to discuss the potential implications on the Cayman Islands of the eventual incorporation of the directive in local legislation. The Court, having ruled that it had no jurisdiction to hear the matter in general, had acknowledged that since a request had been received concerning the establishment of a partnership working party and a relevant and appropriate subject matter had been identified for discussion within the framework of such a forum, the convening of such a forum by the Commission was mandatory.

53. Earlier in the year, during the Eurobank affair, the prosecution had been forced to disclose that the United Kingdom Government, by consent of the Governor and with the assistance of MI6, had planted agents into the banking sector and implemented telephone taps. It had also become known that the head of the Cayman Islands Government Financial Reporting Unit had been on the payroll of MI6 and some brief mention had been made of a "London Plan" for the Cayman Islands. In March 2003, the United Kingdom Government had ruled out giving House of Commons representation to its 14 Overseas Territories, including the Cayman Islands, and had stated that it had no plan to reconsider the issue.

54. Consequently, the people of the Cayman Islands now had to take stock of their Partnership for Progress

relations with the United Kingdom Government. In that sense Ambassador Huntley's visit had been fortuitous. He had revealed to the population of the Territory the full meaning of the concept of the inalienable right to self-determination as applied to the Cayman Islands as being a right to self-determination without limitations imposed on the Territory that did not conform to the will of its population.

55. Before the Islands were able to address the issue of self-government in any form, the United Kingdom had to acknowledge that the people of the Cayman Islands had an inalienable right to self-determination. In light of the fact that since 1831 the Territory had successfully governed itself, with little aid from the United Kingdom, and by its own endeavours had achieved tremendous socio-economic progress and was not fiscally dependent on the United Kingdom, and although it felt that the time for its independence had not yet come, it was entitled to request and receive a Constitution that was in keeping with the will of the people of the Cayman Islands, and possibly one that was similar to that of Bermuda.

56. In December 2002, the Cayman Ministers Association had indicated that it approached the issue of the Territory's participation in drawing up a draft constitution with an open mind and accepted the stated intentions of the United Kingdom as genuine and generous in that they gave the Overseas Territories the opportunity to participate fully in the development of their own constitutions. It was hard to believe that the United Kingdom, ignoring the Territory's trusting approach, had made efforts to have the Cayman Islands removed from the United Nations list of Non-Self-Governing Territories.

57. The membership of the Chamber of Commerce had made it clear that it did not want independence. In light of the Constitution's great importance and the ever growing need for it to be modernized, not only to ensure good governance in the Cayman Islands but also to preserve the population, and taking into account the unique achievements on the development level and the Territory's special challenges in that 45 per cent of the population were expatriates, it might be that, after the United Kingdom acknowledged the Cayman Islands' right to self-determination, the issue of the Constitution would really become a priority for the Territory's population.

58. In that connection, she pointed out that although there was a provision in the Cayman Islands' Constitution for the enactment of a referendum law on such matters as were resolved by the Legislative Assembly as being of national importance, no such law had yet been enacted.

59. In conclusion, she expressed her desire to work with the United Kingdom with a view to achieving the aspirations of the population of the Cayman Islands and in the best interests of that Territory.

60. **Mr. Tanoh-Boutchoué** (Côte d'Ivoire) said that whenever the Cayman Islands was mentioned, what was always impressive was the Islands' standard of living, which was comparable with that in London or New York. The question could even be raised of whether it was a colony at all. Nonetheless, the Cayman Islands was included in the list of Non-Self-Governing Territories and sooner or later the decision would have to be made as to the form decolonization would take. It had been apparent from earlier statements, the only option that had been discussed until recently was "independence". He asked what work was being done in the Territory on the other two self-determination options.

61. **Ms. Harris** (Chamber of Commerce of the Cayman Islands) said that her organization had made a proposal to establish a working group in the Islands comprising politicians and representatives of different organizations which would deal with education and awareness-raising in the population. The problem was that the members of such a group would have to be clear in their own minds about what each of the self-determination options amounted to and what it would entail. The administering Power itself had given to understand that it did not have a clear picture of what "free association" would amount to. Talks were under way on the fourth option, providing for any form of autonomy which a Non-Self-Governing Territory could achieve from the administering Power. It was to be hoped that in the impending process the United Kingdom would maintain a working relationship both with the United Nations and with the Cayman Islands.

62. **The Chairman** said that arrangements were being finalized for sending a United Nations visiting mission to the Cayman Islands in October. He asked how the Caribbean regional seminar had influenced discussion of self-determination issues in the Territory.

63. **Ms. Harris** (Chamber of Commerce of the Cayman Islands) said that discussion of such issues had been given an impetus, and another contributory factor

had been that elections were to be held in the Territory the following year. Thanks to the election campaigns by the political parties, the population was now better acquainted both with the work of the Committee and with the subtleties of the relationship between the Territory and the administering Power.

64. **Mr. Ovia** (Papua New Guinea) praised the initiatives taken by the Cayman Islands Chamber of Commerce. Noting that the ratio of persons of Caymanian origin to those of non-Caymanian origin in the Territory was 57:43, he asked whether the non-Caymanians took part in elections and would take part in any referendum on the issue of self-determination.

65. **Ms. Harris** (Chamber of Commerce of the Cayman Islands) explained that the number of persons having the right to vote was 11,000, and they included non-Caymanians. As for participation in a referendum, no one had yet dealt with the question. The Chamber of Commerce had established its immediate objective as the education of the population, without which an informed referendum would be impossible.

66. *Ms. Harris withdrew.*

67. *At the invitation of the Chairman, Ms. Coe (Concerned Citizens of the Cayman Islands) and Ms. Catron (Cayman Islands People for Referendum) took places at the petitioners' table.*

68. **Ms. Coe** (Concerned Citizens of the Cayman Islands) said that preparations for the celebrations to mark the 500th anniversary of the discovery of the Cayman Islands by Columbus had provided the population of the Territory with an occasion to evaluate the Territory's socio-economic achievements and constitutional structure and, above all, to give consideration to the question of what measures the Islands needed to take to lay the foundations of socio-economic development and broader self-government without undermining political stability. The people of the Cayman Islands were quite sure that they did not want independence, but they did want the Cayman Islands to be given a greater degree of autonomy while at the same time remaining a British Overseas Territory.

69. Even though for decades people of the Territory had believed that there were only two self-determination options — outright independence with total responsibility for deciding all aspects of internal and external affairs, on the one hand, and remaining a British colony with the autonomy afforded by the 1972 Constitution, on the other — little by little, and in large part thanks to the efforts of the Committee, the Chamber of Commerce of the Cayman Islands and non-governmental organizations in acquainting the population with the self-determination options, the inhabitants of the Cayman Islands were beginning to have a better understanding of the opportunities provided by the second option. It was hard to judge how aware successive Governments of the Cayman Islands had been with regard to other options — the electorate certainly had had little or no idea about what could be sought from the United Kingdom Government — but in any event no questions had been asked and so the United Kingdom, for its part, had not volunteered any information.

70. Once light had been shed on those questions, the population of the Cayman Islands had begun to insist that the Government put all its cards on the table and ensure that the much-vaunted White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories" be turned from a declaration of partnership in name into a basis for genuine partnership in fact, with the Cayman Islands afforded the same conditions as other Territories and able to plan and organize the Territory's political and economic life for the benefit of future generations.

71. Further progress would depend on the extent to which the population of the Cayman Islands had clear information regarding United Kingdom policy on the question of constitutional reform and also the obligations and responsibilities of the United Kingdom's representative (the Governor) in addition to what was stipulated in the Cayman Islands Constitution of 1972.

72. Unfortunately, notwithstanding public comments and the draft Constitution prepared by the Constitutional Review Commission, the draft Constitution presented by the United Kingdom, which was currently the subject of wide discussion in the Cayman Islands, still did not meet the aspirations of the Territory's inhabitants since, in their opinion, excessively wide powers had been given to the Governor, the Territory's population should be given the opportunity to participate in the selection process for key posts, particularly the Attorney-General and members of the judiciary, and it was essential to ensure greater freedom of information and to create an appropriate mechanism for ensuring the electorate's

participation in the affairs of the Cayman Islands through the holding of referenda on specific initiatives and the inclusion of provisions on recalling elected officials, as a result of which the inalienable right to self-determination of the people of the Cayman Islands could cease being a mere empty phrase and instead become a concrete reality.

73. Those were just a few of the measures necessary to achieve democratization of political life in the Cayman Islands, and the Territory's people deserved no less, in view of the obligations and duties of the United Kingdom, as the administering Power, towards the Cayman Islands, as clearly set out in the report of the Secretary-General on the Second International Decade for the Eradication of Colonialism (A/56/61) of 22 March 2001.

74. The solution therefore was for the United Kingdom Government no longer to deprive the Cayman Islands of the opportunity of being placed on no less beneficial a footing as Bermuda, since that would allow the population, if the electorate so desired, to manage their affairs while retaining the Cayman Islands' status as a British Overseas Territory.

75. **Ms. Catron** (Cayman Islands People for Referendum), explaining her organization's primary aims and objectives, said that its basic efforts were directed at having some of the major proposed constitutional changes decided on by the electorate. Her organization was convinced that a referendum was the most effective method of determining the people's wishes, and was trying to get the Government of the Cayman Islands to hold one. In order to ascertain the number of inhabitants who would support a referendum, her organization had drawn up a petition in support of the referendum initiative which had received 7,000 signatures. It was also conducting an educational campaign addressing the specific issues of a referendum.

76. The position of People for Referendum remained unchanged. It was in favour of the inclusion in the Constitution of the Cayman Islands of a provision on the holding of a referendum initiated by the people themselves.

77. Over the past 10 years, public expectations about the level of openness and the degree to which the public should take part in the decision-making process had changed significantly. In most democratic societies, public participation was the mechanism by which the public was not only heard before major decisions were made but also in which it was given the opportunity to influence such decisions from beginning to end of the adoption process. It was accepted that wider public participation fostered a more effective and accountable government. Political figures fully supported the people's right to participate in the democratic process.

78. There had been a time when the Cayman Islands electorate had been afraid of becoming involved in State affairs. People had been uninterested in or fearful of taking a more active role in the country's development. Nowadays Government action was openly discussed and the people were able to take advantage of open forum opportunities to express their views. The population now understood that through the effective use of initiatives, referenda and recall, they could play a more direct role in the process of government.

79. People for Referendum considered that for a referendum to be effective it had to meet the following key criteria: firstly, the referendum had to be held at the initiative of the population and not of the politicians; secondly, the population must have access to all relevant information in accordance with the provisions of freedom of information legislation; and thirdly, referendum decisions had to be binding, and must not be left to be carried out at the discretion of the politicians.

80. **The Chairman** said that both in the statements that had been made and in the course of his meetings in the Cayman Islands the idea had repeatedly been expressed that the Cayman Islanders did not want independence. The question arose as to why, considering the Territory's economic well-being. He asked whether the inhabitants' views on self-determination had ever been ascertained by means of either a questionnaire or a head count.

81. **Ms. Coe** (Concerned Citizens of the Cayman Islands) acknowledged that there were people in the Cayman Islands who did want independence for the Territory. But the overwhelming majority were not seeking it, as they realized that the Islands' resources were limited and that resolving all the Territory's problems independently was not feasible.

82. **Ms. Catron** (Cayman Islands People for Referendum) said that as far as she knew the Chamber of Commerce of the Cayman Islands had conducted an

unofficial survey of public opinion. There really were people in the Territory who did not dismiss the "independence" option but even they understood that it would not become a reality in the short term and that to bring it about there would have to be careful planning and educational work.

83. **Mr. Ovia** (Papua New Guinea) asked whether the possibility of a referendum on self-determination options was being discussed in the Territory. Also, with regard to the idea expressed in one of the statements about remaining a British Overseas Territory, he said that maintaining colonial status was not regarded as an option by the Committee. The choice was: independence, integration, or free association.

84. **Ms. Catron** (Cayman Islands People for Referendum) stressed the importance of a referendum and the need for it to be constitutionally consolidated in the Cayman Islands. The institution of the referendum was important not only for the issue of self-determination but for other topical issues too. She had no accurate statistics but it was her experience that people were now more prepared to consider options for the Territory to expand its autonomy.

85. **Mr. Ortiz Gandarillas** (Bolivia) remarked on the high standard of living in the Cayman Islands which possibly explained why the majority of the inhabitants of the Islands did not want independence. He also noted that the process under way in the Territory was to amend the existing Constitution, and that that had its limitations. Also he wondered what the fourth self-determination option mentioned in one of the statements was.

86. **The Chairman** asked the Committee to bear in mind that the process in the Cayman Islands had only just begun. As for the fourth option, it was in his opinion little different from the "free association" option, which was sufficiently broad and flexible. In the previous week the Secretariat had been asked to look into that matter.

87. **Ms. Catron** (Cayman Islands People for Referendum) said that the standard of living probably played no small role in the way people regarded the choice — to be or not to be independent. But one should not forget that nearly half the inhabitants of the Territory were of non-Caymanian origin. Also, no statistically accurate questionnaire had yet been conducted, and in any event, as had already been said, the prime need was to educate the population before more specific opinions were expressed.

88. **The Chairman** expressed the hope that at the appropriate stage the population of the Cayman Islands would be given the opportunity to choose from among all the existing options.

89. *Ms. Coe (Concerned Citizens of the Cayman Islands) and Ms. Catron (Cayman Islands People for Referendum) withdrew.*

Omnibus draft resolution

90. **The Chairman** informed the Committee that consultations on a draft resolution on the agenda item under consideration were continuing. He therefore suggested that consideration and action on the draft resolution be postponed to a later stage of the Committee's work.

91. *It was so decided.*

Question of New Caledonia (A/AC.109/2003/7 and A/AC.109/2003/L.10)

92. **The Chairman** drew the Committee's attention to the working paper on the question under consideration which had been prepared by the Secretariat (A/AC.109/2003/7).

93. **Mr. Ovia** (Papua New Guinea), introducing the draft resolution on the question of New Caledonia (A/AC.109/2003/L.10), said that the draft essentially reproduced the text of the previous year. All that had been added were technical clarifications and references to events that had taken place in the intervening period. He mentioned the possibility of the Committee having to return to the resolution if amendments were required as a result of the discussions at the meetings to be held in the summer in the Pacific Ocean region.

94. *Draft resolution A/AC.109/2003/L.10 was adopted without a vote.*

The meeting rose at 1 p.m.